

1328. v. 6
K. Carmichael (J.)

VARIOUS TRACTS

CONCERNING

THE PEERAGE OF SCOTLAND,

COLLECTED FROM

The PUBLIC RECORDS, ORIGINAL INSTRUMENTS, and AUTHENTIC
MANUSCRIPTS;

TO WHICH IS ANNEXED,

AN APPENDIX,

CONTAINING

MANY ORIGINAL PAPERS;

AND, AMONG OTHERS,

An AUTHENTIC ACCOUNT of the FOUNDATION of the PRINCIPALITY of SCOTLAND;

WITH

The DIPLOMAS of sundry of the NOBILITY, particularly of those PEERS whose VOTES
were objected to at the last GENERAL ELECTION.

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Anno 1791.

VARIOUS TRACTS

THE PERBAGE OF SCOTLAND.

The Public Record, Original Instruments, and Authentic
Manuscripts;

Entered in Stationers-Hall.

AN APPENDIX



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180

TO
THE NOBILITY OF SCOTLAND,
THE FOLLOWING TRACTS

ARE HUMBL Y INSCRIBED,

WITH THE MOST PROFOUND VENERATION AND RESPECT,

BY THEIR LORDSHIPS

MOST OBEDIENT

HUMBLE SERVANT,

JA. CARMICHAEL.

THE NOBILITY OF SCOTLAND,

THE FOLLOWING TRACTS

AND

THE MOST RESPECTFUL AND RESPECT

BY THEIR LORDSHIPS

MOST OBEYANT

HUMBLE SERVANTS,

J. A. CARMICHAEL.

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INTRODUCTION.

THE following Pages contain much curious Matter respecting the Nobility of Scotland, of high Authority and great Moment. The Years 1320 and 1606 were the most memorable Eras in the whole Annals of the Scotch Peerage: The 1320, for the glorious Struggle they made for their Independency, and is sufficiently explained in their memorable Letter to the Pope: The 1606 was replete with the Proceedings which took place before the Commissioners authorised by King James VI. concerning the Precedency of the Nobility, sufficiently explained in the Preamble of the Decree of Ranking. Those Proceedings are now submitted to the Public, printed from an authentic Copy of a Manuscript Collection deposited in the Library of the Faculty of Advocates, written by Sir James Balfour of Denmiln, Lord Lyon King at Arms to Charles I. What the Editor apprehends should enhance the Value of this Publication, is, that the Privy Council Records for the 1606, from whence those proceedings were collected, are *now lost*.

The Second Part contains Memorials out of the unprinted Books of Parliament, which were collected by the same learned Antiquary about the Year 1610; a Period when our Records were much more perfect than they now are.

Part Third is certified by a late Lord Clerk Register *; and the Appendix is taken from original Instruments, from Papers written by Sir Lewis Stewart, Advocate to King Charles I., and by the late George Chalmers, Writer to the Signet, both of whom were Men of distinguished Abilities, and are well known to the learned. The Diplomas were excerpted from the Records, by a late under Keeper thereof, about thirty Years ago.

The Editor hopes that it will be no unacceptable Piece of Information to the Public, to lay before them the Report given by the Lords of Council and Session in 1740 †, to the Lords Spiritual and Temporal, respecting the Peerage and State of the Public Records of the Kingdom of Scotland. Their Lordships reported thus: " They presume humbly to inform your Lordships, that through various Accidents, the State of their Records, particularly of their *most ancient*, is imperfect; for, not to mention other misfortunes, it appears by an Examination, to be found amongst the Records of Parliament 8th January 1661, That of the *Registrers*, which having been carried to England during the Usurpation of Cromwell, were bringing back from London, after the Restoration, by sea, Eighty-five Hogsheds, were, in a storm, shift-

* Lord Philiphaugh, in Anno 1703.

† Books of Sederunt.

INTRODUCTION.

“ ed out of the Frigate the Eagle into another Vessel,
“ *which sunk with those Records at Sea*; and *ten** Hogheads
“ more of the Records, brought down from London at
“ that Time lie still unopened in the General Register House,
“ through some Neglect of the Officers to whose Charge
“ they were committed, that cannot well be accounted for;
“ so that, upon this separate Account, your Lordships will
“ perceive a Search into the *Ancient Records* cannot give rea-
“ sonable Satisfaction.”

In Addition to what their Lordships have reported, the Editor can, with much Certainty, add, that the Rolls of Parliament from 2d December 1673 to 28th July 1681 are *lost*, he being in Possession of a Certificate to this purpose.

Under these Imperfections and Chasms in our Records, the Editor humbly submits the Propriety and Utility of the present Publication. For, to the least informed Mind, even a Copy of a Copy taken from a Record which does not now exist, or is now in an imperfect State, is of *Moment*.

There will no doubt, through the Course of the following Sheets, occur some typographical Errors, though much

† It appears from the Acts of Sederunt of the Court of Session, that in 1753 five of these were inspected by Order of the Court.

Care has been bestowed in correcting the Press. But in a Publication of this Nature, such Errors are unavoidable. But he hopes none of material Consequence have escaped him.

P. S. Should the present Publication meet with a favourable reception from the Nobility and Public at large, the Editor means to publish by Subscription another Tract, which, it is proposed, shall contain the Continuation of the Diplomas of the Nobility appearing on the Face of the Records, with Excerpts from that voluminous and celebrated Work, intitled *Rhymer's Fædera Angliæ*, so far as concerns Scotland; to which will be added, a complete alphabetical Index of the whole Names contained in both Tracts. The Manuscript is already prepared; and whenever the Number of Subscribers shall amount to one Hundred, it will be put to Press.

ERRATA.

Page 1. Line 3. from Bottom, *for frati read fratri.*

42. Line 10. from Top, *for Robertus Pollock read Robertus Rollock.*

81. Line 5. *for veill read weill.*

83. Line 1. *for 1474 read 1494.*

129. Line 13. *for Peliscelidis read Periscelidis.*

151. Title of *Newark*, *add*, That it does not appear from the Rolls of the Parliament of Scotland, that any one has sat or voted under that Title since the Year 1690.

154. Title of *Ochiltree*, *add*, No Person under that Title has sat or voted in the Parliament of Scotland since the Year 1617. Acts of Sederunt, Vol. II.

139. Foot of Page, *add*, For a further Account of the *Baptism of Prince Henry*, *vide* Nisbet's Heraldry, Vol. II. Part 4th, Page 156.

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De Jure Prælationis Nobilium Scotiae.

PAIRT FIRST.

CONTAINAND

The quholl PRODUCTIONS maid be the NOBILMEN anent their PRÆCEDENCE in COUNCILL and PARLIMENT;

TOGIDDER WITH

EXTRACTS out of our AULD RECORDS and RIGISTERS for that purpois, according to His MAJESTY'S COMMISSION, Anno 1606.

ANGUSE.

THE Earle Anguse Compeirit not.

EX REGISTRO.

Georgius comes de Anguse, frater Isabellæ Douglas, Comitissæ de Mar et Garyoch, 9. Novemb. Anno Chr. 1398, et 8 Ann. Regni Roberti 3. in Rotul. Chartarum.

CRAUFURD.

COMPEIRIT Comes Crausfordiæ. Producit ane Infeftment gine be the said Robert the 3. *Dilecto frati suo Davidi de Lindesay, Comiti de Craufurd, of the Barony of Craufurd,—cum quatuor Punctis Coronæ, et in liberam Regalitatem, 10. Decemb. Anno 9. Regni Roberti 3. in Rotul. Chartarum.*

EX REGISTRO.

IN the Roll foresaid ane Chartour of the Lands of Megill is confirmit be Robert the 3. *Fratri suo Davidi de Lindefay Comiti de Craufurd*, 24. Decemb. Anno Roberti 3. 15. Chr. vero 1404.

Item, In Anno prædicto, in eodem Rotulo. King Robert the 3. confirmit an Chartour of the Lands of Melginch and Clouach, gine be *Isabella Douglas, Comitissa de Mar et Garioch, Dilecto suo Confangineo Domino Davidi de Lindfay Comiti de Craufurd*,—apud Kildrimie 8. Aprilis Anno Ch. 1403.

In the quhilk Roll, divers and fundrey Chartours are continet, gine to the said Earle; in the quhilk he is called *Frater Regis, et Dominus David Comes de Craufurd*,—Miles.

For in ane Chartour gine be King Robert the 3. to hes sonne and appearand Aire, *James Stuart, Prince of Scotland*, of the Lands callit *The Principalitie, Terræ Seneſchallæ*, of the dait the 10. of December Anno 1404. quherein *David de Lindefay, Comes Craufurdia*, is ane vitnes.

SUTHERLAND.

COMPEIRIT *Comes Sutherlandia*. Producit befor the Lords ane Chartour gine be K. David the 2. to *William Earle of Sutherland*, and *Margaret his spous, sister to the King*, of the Barrony of *Cluney*, lyand within the Sheriffdome of *Aberdeine*, 4. Novemb. Anno Regni *Davidis*, 17 Chr. vero 1347.

MAR.

COMPEIRIT *Comes de Mar*. Producit ane Chartour of *Dame Isabel Douglass, Countesse of Mar*, and *Alexander Stuart*, Sonne to the *Earle of Buchan, her Spouse*, of the Earledome of *Mar*, with the Castel of *Keldrumie*, and Lordship of *Garioch*, the 9. of Decemb. 1404.

Item. Ane Chartour of Confirmation maid be K. Robert the 3. confirmand the Chartour above writtin—2. Januarij 1405.

Item. Ane Letter maid be King Robert the 3. to *Sir Thomas Erskyne, Knight*, promifand, that the King should not receave ane Resignatione of the Earledome of *Mar*, to be maid to *Isabel Douglass, Countesse of Mar*,—22. of Novemb. Anno 4^{to}. Regni Regis.

Item. Ane Act of Parliament in Anno 1587, ratifeing the hail Rights, Tytills, and Securities, and Provisions maid of *Thome Earle of Mar* and his Predecessours, of the Earledom of *Mar*, as Aire be progress to *Dame Isabel Douglass, Countess of Mar*.

Item. Ane Extract of ane Retour of the dait the 20. of Merch 1588, quhairby *Thomas Earle of Mar* is servit nereft and lafull Aire to *Dame Isobell Douglass Countesse of Mar*.

MONTEITH.

COMPEIRIT *Comes de Monteith*. Producit ane Chartour gine be K. James the 3. *Gulielmo Comiti de Monteith*, erecting the Toune and Port of *Monteith* in a free Toune, 8. Feb. 1466.

EX REGISTRO.

HE is Lord of Parliament, 12. Januarij 1467, and also 3. Junij 1469, — *Patricius Grabame, Comes de Stratherne*, and *Gulielmus Grabame de Kincardine*, ar vitneffes in a Chartour gine be Robert *Ducke of Albanie, Earle of Fyffe and Menteith*, confirmand the Chartour gine be Sir William Keithe Marischall, to Sir Robert Keithe of Craigie hes sonne, of the Schiriffdome of Kincardin, apud Perth 12. Martij 1406. Ex Rotulo Chartarum Roberti 3.

ROTHES.

COMPEIRIT *Comes de Rothies*. Producit ane Instrument of Seafine, bearand, That K. James the 2. gave to *Andrew Leslie, Sonne to George Earll of Rothies*, the Land of Tasis, lyand in the Schiriffdome of Fyffe, 16. Novem. Anno 1459.

EX REGISTRO.

IN ane Chartour grantit be the King, to Andrew Balfour, *Georgius Dominus de Leslie* is vitnes; 9. Junij 1453, in Rotul. Chartarum; and sua it appeirs, that he is maid and creatit *Earle*, betwixt the Zeir of God 1453 and 1459.

MORTOUN.

COMPEIRIT *Comes de Mortoun*. Producit ane Instrument of Robert Halyvod and Rupert Robert, Notaries, 4. Novemb. 1464, in the tyme of James the 3. bearand, the Solemnizatiōe of Marriage betwix

James Earll of Mortoun and Lady Jean Steuart, Daughter to King James the first.

EX REGISTRO.

IN the tyme of Robert Ducke of Albany, Earle of Fyffe and Menteith, mention is maid of *Sir James Douglass de Dalkeithe, Miles.* 26. Julij 1422. Bot *Jacobus Comes Mortoun, Consanguinius Regis*, is vitnefs in ane Chartour gine be James the 2.—24. Octob. Anno 1458, *Patricio Domino de Grabame*, de Terris de Ballengrochan, Carriſtoun, Douglaſtane, cum pertinentijs in liberam Barroniam De Mugdock.

ERROL.

COMPEIRIT *Comes de Errol*, as ane of the Commissioners,—*Gulielmus Dominus Hay regni Conſtabularius*, in ane Chartour gine to him of the Lands of Zuſina be K. James the 2.—17. Martij 1449, et Anno Regni ſui 14.

EX REGISTRO,

In ane Chartour grantit be the King to the Earle of Douglaſs, *Gulielmus Dominus de la Haya, Conſtabularius*, et *Gulielmus Dominus Keithe Mariſcallus*, are vitneſſes the 7. Julij 1451, in Rotul: Chartarum.

Item, 12. Febr: 1455. In ane Chartour grantit be the King in ane Buift of the Property to David Steuart of the Earldome of Murray, *Gulielmus Comes de Errol, Conſtabularius Scotiæ*, et *Gulielmus Dominus Keithe Mariſcallus Scotiæ*, as maid vitneſſes; ſua he is maid Earle betwix the Zeir of God 1451 and 1455.

ATHOLE.

COMPEIRIT not Comes Atholice five de Athole.

EX REGISTRO.

Mem: King Robert the 3. Anno Christi 1404. Regni sui 14. gave and desponit to *hes veil Belouit Brother Valter Steuart Earll of Cathnes, Comitatum Atholice et Dominium de Metbuen*, with the four points of the Crown, hes free Regalitie in Rotul: Chartar: Roberti 3. Rotul: B. This Earle of Athole ves forfaulted for the slaughter of King James the 1. at Perth, Anno 1437. Sua that nae succession came of him, and therefor this Earll of Athole that now is and lives, cannot pretend no right or dignitie frae the afforfaid *Valter Comes de Athole*.

MARISCHALL.

COMPEIRIT Comes Marisball as ane of the Commissioners.

EX REGISTRO.

1 Aprilis in the tyme of James the 1. *Robertus Marisballus Scotiae, miles*, Compt is maid in the checker in the Shriffe Roll of Kincardin apud Perth per *Alexandrum Straton* Deputatum Comitum Mariscalli. 4 Julij 1458. in the tyme of King James the 2. in Rotul. vicecomitatus; and in 1455 he is callit *Dominus de Keith*. Sua he hes beine maid Earll betwix the Zeir of God 1455 and 1458.

MONTGUMERIE.

COMPEIRIT Comes Montgumerie. Producit ane not under the Clerk of Register hes hand vret, quherby Hew Earll of Eglintounne sate cler. in parliament 1530.

Item. Chartour subscriyvit be the Clr. of Register maid be King James the 4., to Hew Earll of Eglintounne, of the lands of Uttermure, Littel Burkheid and vthers. 6. Junij 1509.

EX REGISTRO.

Mention is maid of *Dominus de Montgumerie* 18. of Merch 1503. In the Buik of Parliament, James the 4. *Hugo Comes de Montgumerie* Compeirit in Parliament—Sua it is manifest that he has beine maid Earll betwix the 18. day of Merche, and the 21. the Zeir afforsaid.

MONTROIS.

COMPEIRIT Comes de Montrois, ane of the Commissioners, and producit an Instrument under the Subscription of Valter Froster—Ult: Martij 1505. containand thairintill, a Precept of Seasin maid in the tyme of King James the 4. to Villiame Earll of Montrose, of the Lands of Auld Montrose; containand also the Ereccion of the saids Lands in an *Earldome*; quhilk Precept is of the dait 8. Martij Anno Chr: 1504.

EX REGISTRO.

He is Lord of Parliament 3. Februarij 1505, and thairin compeirs as ane Earll of Parliament.

GLENCAIRNE.

COMES de Glencairne Compeirit not.

EX REGISTRO,

He is Lord and Earll in the Parliament 3. Februarij 1505. In the quhilk Parliament, Cuthbert is called Comes de Glencairne; and also

in the Parliament 18. Novemb. 1505. The *Lord of Kilmaures* compeirit as *Lord of Parliament* 17. Octob. 1478, and 4. Octobris 1479. *Dominus Kilmauers* compeirit in Parliament, and producit befor the Lords of Secret Counsell in tyme of Parliament holden 15. Junij Anno 1609, ane Chartour quher Alexander is creat *Earll of Glencairne* and *Lord Kilmaures* 28. May 1483.

CASSILIS.

COMPEIRIT *Comes de Cassilis*, and producit ane Chartour gine be King James the 4. to *David Earll of Cassilis* and *Margaret Boyd his Spous*, of the Castell of *Cassilis*, of the dait the 5. of Februar. Anno 1511.

EX REGISTRO,

In the Roll of the Compts. *Ballivorum ad Extra*. Anno 1509, he is callit *David Dominus Kennedy, Miles*—and in the roll of the Compts *Balivorum ad Extra* 6. Augusti 1510, mention is also maid *Computum Davidis Kennedy Comititis de Cassilis de Terris de Lefvar et Mairybrige*; sua he is maid *Earll* betwix the Zeir of God 1509. and 1510.

BOTHUELL.

COMPEIRET not *Comes de Bothuell*.

EX REGISTRO,

Patrick Lord Haills is maid and creat *Earll Bothuell* be King James the 4. Octob. 17. Anno 1488. *Ex Libris Registerii Actorum Parliamenti*. Ther is not ane *Earll Bothuell* now; for he ves forfaulted in the Parliament holden at *Edinburghe* Anno Regni Jacobi Sexti et a partu vigesim: 3.

CATHNES.

COMPEIRIT not Comes de Cathnes.

EX REGISTRO,

Upon the 6. day of May, in the Buiks and Register of the Acts of Parliament 1471, Regnante Jacobo 3tio, mentione is maid of *Villiam Earll of Cathnes*. The Castell of Rauvinscraige, with the Lands of Vrittome, Dubbies, and Carbarries, with 40 marks of Pensione furthe of the Customes of Vryen, Induring during hes Lyfytyme, is gine to him for hes right of *the Earldome of Orkney*, 6. Maij Anno 1472. Jacob. 3. Vide *Lord Sinclair*, feu *de Sancto Claro*, Productit before the Lords of Counsell ane Chartour maid be James 2. Scottorum Rex, *Villielmo Comiti de Cathnes*, penultimo Aprilis 1456.

As for the rest of the Earlls, the Controverfie of Precedencie amongs them is not so agistat, in respect that since thair Creatione, quhich is of nae lang tyme, ther Patents ar zet extant, and not injured be the malignity of tyme. Bot for the more decencey, ze fall heirafter, in this and the following, Page behold the Day and Zeire of ther Creations.

Orkney,

Nithsdaill,

Atholl,

Ver all 3 creatit Earlls at once, the 19. of Appryll 1581.

Vinton creatit the 16. of Novemb. A. D. 1600.

Linlithgow creatit Earll 25. Decemb. 1600.

B

Home,
Perib,
Dumfermeling,

All three creatit *Earlls* be King James the 6. Rex Scotorum 3.
Martij Anno 1605.

Vigtoun, befor Lord Fleming, ves be James 6. createt *Earll* 10.
Julij 1606.

Kingorne,
Abercorne,
Lothian,
Tullibardine,

Ver all 4 at one tyme be James the 6. creatit *Earlls* 10. Julij
Anno 1606.

Roxbrugh, from Lord Ker of *Cessford*, ves be King James the 6.
creatit *Earll* 19. Septemb. Anno 1616.

Kellie, Merch the 12.
Buckleugbe, Merch 16.
Melros, Merch 20.

All be King James the 6. ver creatit *Earlls* Anno Salutis 1619.

Gallouay creatit in Anno 1621.

Lauderdaill,
Seafort,

Ver creatit *Earlls* 4. Martij Anno 1624.

ANNANDAILL.

JHONE MURRAY ves be King James the 6. first creatit Lord of *Lochmaben*, then Viscount of *Annan*, and lastlie, In the Zeir of God 1623, ves creatit *Earll of Annandaill* Anno Regni Jacobi Sexti 43.

DUCK OF ALBANEY.

THAT Robert Steuart, *Earll of Fyffe* and *Menteith*, ves be hes Brother Robert the 3. Kyng of Scotland, creatit *Duck of Albaney*.

At Sterling, the 15. May 1565, *Hendrie Steuart*, eldest Sonne to *Matheu Earll of Lennox*, ves first maid *Knight*; then he ves maid *Baronne Banneret*, and nominat *Lord of Armannoch*, and *Lord of our Sovereigne Lord's Parliament*; then *Earle of Rosse*; and the 22. Julij thairafter, that same Zeir, *Duck of Albaney*.

DUCK OF ORKNEY.

THE 23. of July 1567, James *Earll of Bothuell*, ves creat *Duck of Orkney*.

DUCK LENNOX.

THE 29. of October 1581, Jhone Steuart ves first creatit *Knight of Creuxtoun*; then *Lord Aubignie*, *Lord of Torboltonne*, *Lord of Dalkeith*, *Lord of Aberdour*, and *Baronne Banneret*, *Lord of our Sovereigne Lords Parliament*, *Earl of Darnlie*, and *Duck of Lennox*, and *Grait Chamberlaine of Scotland*.

DUCK OF MONTROIS.

THAT *David Lindsey, Earle of Craufurd*, ves maid and creatit *Duck of Montrois*, 14. Martij. in Anno 1488.

LORDS.

COMPEIRIT *Lord Lindsey*. Producit ane Infeftment gine be King Robert the 2. to his Cufing *William Lindsey, Knight*, of the Lands of Erime, 27. Decemb. Anno 1376.

Item. Ane Instrument under the Subscriptiōe of Thomas Kilconquzar, containand ane precept directit to William Keithe, Marischall of Scotland, to hes Baillies of hes Lands of Clogfrase, for feasing thair of, to be gine *Domino Gulielmo Lindsey, Domino de Byres*, 2. Septemb. Anno 1378, in the tyme of King Robert the Secund.

Item, Ane Instrument, bearand, *Potens Dominus Gulielmus de Lindsey, Dominus de Byres*, 2. Novemb. Anno 1385.

Item. Ane Chartour without dait, maid be William Keithe, Marischall of Scotland, *Nobili viro Vilielmo Lindsey, Militi, et Domina Christianæ Sponsæ suæ*, of Aughter Struther, and Principal Messuage thair of, infra Vicecomitatum de Fyffe, in *Excambium* of the Lands of *Dunnottar*.

Item. Ane Infeftment grantit be Valter Bishope of St. Andreus, *Nobili viro Gulielmo Lindsey Militi, et Domina Christianæ Sponsæ suæ*, of all and haill the Lands of Aughterstruther, and Castell thair of, be resignatiōe of Villiam Keithe, Marischall of Scotland, *Domino Gulielmo*.

Lindesay, Militi, Domino de Byres, ratifiand and approvand ane Chertour maid be the said Lord to *Andrew Neutone*, of the Lands of Dreme 22. Februar. Anno 1445.

Not. In the Register of St. Andreus, quhilk Buik Mr. Jhone Arthur, ane of the Commissaries of Edinbrughe, hes, is containit *Constitutione Alexandri Lindesay, Domini de Glenesck, per Dominum Gulielmum Landal, Episcopum St. Andreæ*, quhilk conteins ane Taillzie to bot especiallie *Dominio Vilielmo Lindesay, Domino de Byres*, 9. Appryl Anno 1378.

FORBES.

COMPEIRIT *Lord Forbes*, and producit ane Chertour of David 2. Kyng of Scotland, Anno Regni sui 35. vero Christi 1364. *confirmand* ane Chertour maid be Thomas Earll of Mar, *Jhoanni Forbes Domino ejusdem*, of the Lands of *Meikle Fintery*, 28. Martij Anno 1412.

Item. Ane Chertour maid be *Alexander Steuart, Earle of Mar and Garioch*, *confirmand* ane Chertour made be *Gulielmus de Lindesay, Dominus de Rossie, Domino Alexandro de Forbes Domino de ejusdem*, of the Lands of *Huffurd*, Anno 1423.

Item. Ane Letter, vritten in Inglich be *Andrew of Futhais*, to ane *Nobill Lord, Sir Alexander Forbes, Knight, Lord of that Ilk*, quherby the said Andrew upgave frelie to the said *Nobill Lord* the free Tene-ment of the Land of *Futhais*, 12. Decemb. Anno Christi 1436, Anno vero ultimo Jacobi Primi Scotorum Regis.

Item. Ane Chertour maid be him, *Jhoanni de Forbes, Domino ejusdem*, of the Lands of *Edinbranchie and Craigbe*, 15. Novem. Anno 1474. Jacobi 3.

Item. Ane Inventar in Inglich, maid be ane Nobil Lord, *Sir Alexander Forbes of that Ilk*, one the ane pairt, and *Jhone Faubais* on the uther pairt, Anno 1423, Ja. 1.

Item. Ane Chertour be Alexander Bischope of Murray, *Jhoani de Forbes, Domino ejusdem*, of the Lands of *Fynrosie*, 8. Julij Anno 1378. Robert the 2.

Item. Ane Lettre in Inglich, maid be Villiam Chalmer to ane Nobilman, *Sir Alexander Forbes of that Ilk*, quherby he desponit the Vard of the Aire of *Adam Balcormo*, 15. Febr. Anno 1419.

EX REGISTRO.

IN the Shriff Court of Aberdene, *Domini Alexandri Lindefay, Comitis de Craufurd*, Vicecomitis de Aberdene, et *Alexandri Domini de Forbes, sui Deputati Militis*, ane Precept vritten in Inglich, is directit be the King to the Lords of the Exchequer, makand mentione, That the King hes remittit to his Cusine *Alexander Lord Forbes*, the Arreages and Rest of his last Compt, quhilk Precept is of the dait the 12. Julij Anno 1442, James the 2.

GLAMES.

COMPEIRIT *Lord Glames*, and producit ane Instrumēt under the Subscription of Nichol Mar, Notar Publict, beirand ane Decreit Arbitral gine be certain perſones, *Inter magnificum virum Jhoannem Dominum de Glames, Camerarium Scotiæ*, one the ane pairt, and Thomas Strathauquhay, anent the Right of certaine Tenements layand in Perth, 21. Januarij Anno 1378. Robert 2.

Item. He producit ane Contracte vnder forme of Instrument, vnder the Subscription of Jhone Row, Notar, bearand, The Appoyntment maid betwix *Nobilem virum Dominum Jhoannem Lyon, Dominum de Glames*, one the ane pairt, and *Jhone Ferebey* one the uther pairt, anent Resignatione to be maid in the King's hands, of the Lands of Turristoune, in favors of the said *Dominum Jhoannem Lyon, Dominum de Glames*, 10. Septem. Anno 1379.

EX REGISTRO.

Nobilis Dominus Patricius Dominus Glames, is vitnefs in the Reduction maid be James 2. under the Grate Seall and Subscription of twa Notars. 16. Octob: Anno 1455.

Not. Lord Glames is now Earll of Kinghorne; vide supra amongst the *Earlls*. He ves createt Earle be King James the 6. 10. Julij Anno 1606.

ANNANDAILL.

COMPEIRIT not The Lord Annandaill, quia m. c. non est.

EX REGISTRO.

Dominus de Annandaill seu Vallis Annandiæ 15. Lord of Parliament, the 3. of Febr. 1505. James 4. He is vitnefs in the King's Chartour, gine be the King to *David Lindsey*, 12. Octob. Anno 1458. James 2. He is *Lord of Parliament*, 4. Martij Anno 1482. James 3.

SALTOUN.

COMPEIRIT *Lord Saltoun*, and producit ane Instrument under the Subscription of *George Schorvald*, beairand, That the King, that sam daye, createt *Laurence Abernethie of Rothemay Lord of Parliament*, and ordainit him to be styllit *Lord Saltoun of Abernethay*, 28. Junij Anno 1445. James 2.

GRAY.

COMPEIRIT *Lord Gray*, and producit ane Chertour maid be *Thomas Straquhan, Dominus de Glenkindy*, Nobili viro, et potenti Domino *Patricio Gray, Militi, et Dom. de Braxmonth*, of the Lands of Suandonud, 16. Maij Anno 1406. Rob. 3.

Item. Ane Chertour maid be *Robert 3. Rex Scotorum. Dilecto Consanguinio suo Patricio Gray*, of the Lands of Longforgune, 11. Feb. Regni 3. Anno Roberti 3. Scotorum Regis 1393.

Item. Ane Chertour of the same King *Robert 2.* to the famen *Patricius Gray*, of 26. Lib. 13 Sh. 4 d. Sterling, 23. Februarij Anno Undecimo Regni sui.

Item. Ane Instrument under the Not. and Subscription of *Patrick Nichol*, beairand, That *Richard Buttergask, Actornatus Nobilis et Potentis Domini Andreae Gray de Foullis*, recognoscit certaine Lands of the Barony of Craige, quherof he ves Supperiour, because the famen ves fould without his consent, 5. Novemb. Anno 1405. Rob. 3.

Item. Ane Instrument vnder the Subscription of *Robert Schort, Notar*, bearand, That ane Number of Barons of Fyffe fand be Inquyft, That of ane Contract past betwix *Dominum Andream Gray, Dominum de Fouells*, one the ane pairt, and *Sir Jhone Veymes* one the iither pairt, anent the Mariage of my Lord Gray's Sonne vithe the Laird of Veymes's Dochter, ther ver ane hundredth and 60. merkes restand unpayit in the said Instrument, 6. Martij 1432. Jam. 1.

EX REGISTRO.

HE is *Lord of Parliament*, 12. Octob. Anno 1467. James 3. He is vitnes in many Chertours in the Register, Anno 1458. He is ane of the *Auditores Curicularum*, 9. Octob. Anno 1466. James 3. *Andreas Dominus de Gray, Magister Hospitij Regij*; and *ane of the Auditors of the Checker*, 20. Novemb. Anno Salutis 1452.

OCHILTREE.

COMPEIRIT *Lord Ochiltree*. Producit ane Not under the Subscription of the Clerk of Register, bearand, That *Dominus Andreas Steuart, Dominus Aivendaill*, is vitnes in the revocatione maid be King James the 2. vnder the Grate Seall, and Subscription of twa Nctars, 16. Octob. 1455.

Item. He producit a Not subscrivit as said is, vnder, the Pl. Clerk of Registers, and bearand, That *Dominus Andreas Dominus Aivandaill, Regni Scotiæ Cancellarius*, ves ane of the Embassadors in Denmark, anent the mariage betwix *James the 3. and Margaret only Dochter of Christian King of Denmark*; quhilk Contract is of the dait 8. Septemb. Anno 1468.

EX REGISTRO.

Androu sometime *Lord Avandaill* ves maid *Lord of Parliament*, to have thairin as *Lord Ochiltrie*, and to be callit in all tyme coming *Lord Ochiltrie*; 15. Martij 1542. in the first Parliament halden be *Queen Marie*, and her Governour Duck *Hamiltoun*.

Not. Now the Estait of the *Lord Ochiltrie* is all ruinated and delapidate.

CARCAITH.

COMPEIRIT the *Lord Carcaith*. He producit ane Act of Parliament vnder the Subscription of the Clerk of Register, of the dait the 8. of October Anno 1460. bearand, Ane Decreit gine betwix *Allan Lord Carcaith* one the ane pairt, and *Alexander Erskine* and *Christiane Crighton* his Spouse, anent the Office of Bailizirie in the Baronies of *Ochiltrie*, Anno 1460.

Not. This Zeir King *James the 2.* departis this Lyfe.

Item. He producit ane Act of Parliament under the Subscription of the Clerk of Register, bearand, That the *Lord Carcaith* sate as ane *Lord of Parliament*, 2. Novemb. Anno 1479. *James 3.*

EX REGISTRO.

He is *Lord of Parliament*. 9. Octobris Anno 1466. *James the 3.* and *sicklyke*, 20. Novemb. 1469. *James the 3.* and also in Anno 1481.

He is not onlie *Lord of Parliament*, bot also *Varden of the Vest Merches*, James the 3.

CARLEILL.

COMPEIRIT *Lord Carleill*. Producit ane Chertour gine be K. James the 3. *Dilecto Consanguineo suo et Consiliario Jhoani Domino de Carleill*, ratifiand ane Chertour maid be *Robert Gherterous of Amysfield*, 26. Januarij Anno 1480. James 3.

EX REGISTRO.

He is *Lord of Parliament*, Anno 1481. and *Lord of the Secret Counsell*, Anno 1480. James 3.

SANQUHAIR.

COMPEIRIT *Lord Sanquhair*; and producit ane Extract Subscriveit be the Clerk of Register, bearand, That *Robert Crightoun of Sanquhair* ves maid *Lord of Parliament*, and ordainit to be callit *Lord Crightoun of Sanquhair*, 11. Januarij Anno 1487. James the 3.

Not. 1. That same day also ves *Villiam Ruthven of that Ilk*, creatit and maid *Lord Ruthven*, and *Lord of Parliament*; and that day also ves *Jbone Drummond of Cargill* creatit *Lord Drummond*; and *Jbone Hay of Zeister* also.

2. That the *Lord Ruthven* with the Master hes Brother, ver slaine for the intendit murder of K. James the 6. at

D ij

Perthe, and thairafter forfaulted being Earll of Gourie, in Parl. 16. Jacob. 6. tentum apud Edinburgum, in Anno 1600, Regni sui 34.

ZEISTER.

COMPEIRIT *The Lord Zeister*; and producit ane Instrument vnder the Subscription of Alex^r. Clerck, Notar, bearand, That the *Nobilis Dominus David de Hay, Miles, Dominus de Zeister*, Recognoscit twa Husband Lands, with ane Cote-Land of the Toune and Lands of *Duncanlaw*; becaule Edmond Hay, tenent of the saids Lands, sold the samen without hes Consent, 8. Feb^r. 1448. James 2.

SYMPILL.

COMPEIRIT *Lord Sympill*; and producit ane Instrument of Seasing vnder the Subscription of Jhone Mordevill, Notar Publict, bearand, That Seafine ves gine be Villiam Fleming of Bruther, Shriffe of Lanrick, at Command of ane Precept of the Chancellaries, *Provido viro Jhoani Sympill, tanquam vero et legitimo Actornato, Nobilis et Potentis Domini, Domini Jhoanis Domini de Sympill, filij et hæredis quondam bonæ memoriæ Thomæ Domini de Sympill*, of the Lands of Blafurd, lyand within the Barony of Kylbryde, and Shriffdome of Lanrick, 27. of Novemb. Anno. 1488.

Item. Ane Chertour gine be King James the 4. *Dilecto Consanguineo suo Jhoani Domino de Sympill*, of the Lands of Casiltoune and others, 21. Septemb. Anno 1505.

SINCLAIR.

COMPEIRIT *Lord Sinclair, feu de Sancto Claro.* Producit ane Infeftment gine be James the 2. Dilecto Consanguineo suo *Gulielmo de Sancto Claro, filio et heredi apparenti Gulielmi Comitis Orcadiae et Cathenesiae Domini de Sancto Claro,* of the Barony of Newbrughe, Noverny, and vthers, 16. Martij Anno Salutis 1459, Jac. 2.

EX REGISTRO

IN the 1. Parliament halden be K. James the 4. the 14 Januarij 1488. anent *Sir Henrie Sinclair, our Sovereigne Lord, with the Advyse of the three Estais of Parliament,* declares, *That synce the sayd Sir Henrie Sinclair bes Grandfather, and father, Lord Sinclairs for the tyme, ar decefeit, and the said Sir Hendrie righteous Aire to them, that be's cheiffe of the bluid, and vills therfor, that he be callit Lord Sinclair in tyme coming, with all Digneties, Immunities, Priviledges, Tenements, belanging thairto, after the forme of the Chertours and Evidents made thairupon.*

Item. Robert Duck of Albaney, Earle of Fyffe, &c. confirmes ane Chertour gine be *Henricus de Sancto Claro, Comes Orcadiae, Dominus de Sancto Claro,* of the Lands of Loganhouse, Simellshope, Jacen. in More de Pentland, *suo fratri Germano, Jhoani de Sancto Claro,* apud Rosling, 12. Septemb. Anno 1410. The dait of the Confirmatione is 24. Sept. 1410.

Item, Dominus Gulielmus Comes Orcadiae et de Caithenes, Dominus de Sancto Claro, Cancellarius Scotiae, is vitnes in the Revocatione maid be King James the 2. under the Grate Seall, and Subscription of twa Notaries, 16. Octobris Anno 1455.

Item. Dominus Henricus de Sancto Claro, Orcadiæ et Cathenesiæ Comes, Dominus de Sancto Claro, is vitnefs in ane Chertour gine be King Robert the 3. to hes Sonne and Aire James Steuart, of the Lands of the Principalities, 10. Decembris Anno Christi Incarnationis 1404. Regni vero Roberti 3^{ij}. 15.

HERRIS.

COMPEIRIT Lord *Herris*; and producit ane Infeftment gine be K. James the 4. Dilecto suo *Andreae Herris*, Filio et Hæredi Apparenti Dilecti Confanguinei fui *Herberti Domini Herris de Terigells*, of all and haill the Lands and Barony of Terigells and Kirkgumeur, &c. and ane Precept of Sealing upon Resignatione of *Janet Douglas, Dochter to Earll Douglas*, 25. Feb. Anno 1501.

EX REGISTRO.

He is *Lord of Parliament*, 3. Feb. Anno 1489. James 4. and in the Parliament 6. of Feb. Anno 1491. and in the Parliament halden in the 5. of Feb. 1505.

Item. Dominus David de Terigells, Miles, constituitur Curator Confanguineus Regis Jhoannes Herries de Terigells, Patris sui, eo quod dictus Jhoannes fuit incompos mentis, fatuus, et naturaliter Idiota, 24. Aprilis Anno 1478, in Libro Registerij Chartarum.

ELPHINSTONE.

COMPEIRIT Lord *Elphinstone*. Producit ane Chertour gine be James 4. Dilecto fideli Confanguineo suo *Alexandro Domino Elphinstone*, of

the Lands of Quarrell, lyand within the Shriffdome of Striveling, 29. Augusti Anno 1512. Jam. 4.

EX REGISTRO,

Alexander Elphinstone is maid and creat *Lord Elphinstone* and *Lord of Parliament*, at the Baptism of *Arthur Prince of Scotland*, as hes Chertour gine to him and *Elizabeth Barckley* his Spous, testifies, 14. Januarij, 1509. James 4.

The quhilk Chertour is vrettin upon the backe of the Roll of the Chequer. Comp^t. Balivorum ad extra. Anno 1510.

MAXUELL.

COMPEIRIT not *Lord Maxuell*.

EX REGISTRO.

IN Rotulo Computorum Vicecomitatum. Computum, *Herberti Domini de Maxuell Militis*, Vallis Anandiæ, 27. Junij. Anno 1444. and 1447. James 2.

Item. In the Rolls of Chertours of David 2. in the mids of ane Chertour, mention is maid of *Gulielmus Maxuell*, *Dominus ejusdem*.

Item. In the Parliament halden in Appryl Anno 1478, *Dominus Maxuell* is cited in *Parliament*.

Item. He is *Lord of Parliament*, 12. Octob. Anno 1467. James 3.

Item. In ane Chertour gine be Thomas Somervail to ane Chapelaine, confirmit be the King 3. Junij. Anno 1424. *Herbertus de Maxuell Dominus de Carlaverock*, Jhoannes de Cockburne, Dominus de Cranstoune, et Jhoanes Scrymgeour, Constabularius de Dundee, ar vitnes.

Item. King Robert dedit et confirmavit, *Eustachio Maxuell Militi*, fidei suo pro prostratione Castri de Carlaverock, ad terram 10 Lib. Sterlingorum in annuo reditum, &c. in Rotul. Chartarum Rob. 1. And because the said *Sir Eustachius Maxuell* ves oblidgit to paye to the King 20 Lib. Starling zeirlie, for hes Lands of Carlaverock, thairfor King Robert dischargit him and hes Aires perpetuallie of 10. Lib. of the said foume. In Rotulo Chartarum Roberti Primi Regis Scottorum.

OLIPHANT.

COMPEIRIT not *Lord Oliphant*.

EX REGISTRO,

He is *Lord of Parliament*, 12. Octob. Anno 1467. Ja. 3. He is vitnes in ane Chertour, penultimo Octob. Anno 1458. Ja. 2. ex libris Chartarum.

LOVAT.

COMPEIRIT not *Lord Lovat*.

EX REGISTRO.

Ane Indentour maid in Inglich, 3. Martij 1426, betwix tua nobil and myghtie Lords, *Villiams Fenton, Lord of that Ilk*, one the ane pairt, and *Hew Frazer Lord Lovat*, one the uther pairt, anent the marige of the said *Lord Lovat* with *Janet Fenton*, Sister to the said *Villiams Lord Fenton*; quhilk Indentour is confirmit be the King, 16. Sept. Anno 1430. in Libro Regist. Chartarum.

OGILVEY.

COMPEIRIT not *the Lord Ogilvey*.

EX REGISTRO.

IN the Parliament of James 4. the 18. Maij Anno 1491. *Sir James Ogilvey of Airlie*, Knight, is creat and maid *Lord Ogilvey*, and the same Zeir passit Embassador to Denmark.

BORTHUICK.

COMPEIRIT not *Lord Borthuick*.

EX REGISTRO.

HE is *Lord of Parliament* Anno 1481. Ja. 3. and Lord of the Secret Counsell that same Zeir.

Item. He is *Lord of Parliament*, of Anno 1483.

Item. He is vitnes in ane Chertour confirmat be King James i. of certain Lands gine be *James Douglas*, within the Barony of Bothuell, to *James Dundass*, penultimo Feb. Anno 1416; in the quhilk Chertour *Dominus Jhones Fenton*, *Dominus ejusdem*, et *Gulielmus Borthuick*, *Dominus ejusdem*, ar vitnes, in Libro Regist. Chartarum.

And sicklyke the King confirms ane Chertour gine be *Margaret Ducissa de Turaine*, *Comitissa de Douglass*, *Galovidia*, et *Vallis Amandia Dominæ*, to *James de Cairnes*, 4. Augusti Anno 1416. in the quhilk Chertour *Dominus Gulielmus de Borthuick*, *Dominus ejusdem*, is vitnes. in Libris Regist. Chartarum.

ROSSE.

COMPEIRIT not *Lord Rosse*.

EX REGISTRO.

Mention is maid of *Jhoanes Rosse de Haket*, *Miles*, 11. Aprilis Anno 1481. James 3.

Dominus Haket is Lord of Parliament, 3. Feb. Anno 1489. Jam. 4.

TORPHICHEN.

COMPEIRIT *Lord Torphichen*, and producit ane Chertour maid and gine be *Marie Queine of Scotland*, quherein the Baroney of *Torphichen* is erec'tit in a free Baroney, with all priviledges and Dignities of hes

Predecessours, *Lords of Torphichen*; according to the quhilk Erectione, he producit fundrie Precepts of Parliament, directit to hes Predecessours, as *Lords of Torphichen*, quherby they had Vote in Parliament; quhilk Chertour is grantit in Anno 1563.

THIRLESTANE.

THE 27. Maij 1590. *Jhone Maitland* ves creatit Lord of our Sovereine Lord's Parliament, and namit *Lord Thirlestane*. Thairafter he soon ves be K. James 6. creatit *Viscount Lauderdale*; and lastly, in the Zeir 1624, advancit be the said K. James the Sext, to be Earll of Lauderdale, ut supra inter Comites videri est.

SPYNIE.

THAT fame Zeir, 12. Noyemb. (1590) *Alexander Lindsey*, Brother Germain to *David Earll of Grauford*, ves knighted, and immediately thairafter maid *Lord of our Sovereine Lord's Parliament*, and namit *Lord Spynie*.

LUNDOIRS.

THE 25. Decemb. 1600 ves *Sir Patrick Leslie of Pitcairlies*, Knight, creatit *Baronne Baneret*, *Lord of our Sovereine Lord's Parliament*, and ordainit to be callit in all tyme coming *Lord of Londoirs*.

LOUDONE.

THE last day of Junij in Anno 1601. *Henr Campbell of Loudone*, *Shriffe of Air*, ves creatit *Baron Banneret*, ane *Lord of our Sovereine*

Lord's Parliament, to be callit in all tyme cuming *Lord Campbell of Loudone*.

BALMERINOC.

THE 25. of Appryll 1604. Sir James Elphingstone of Barnetoun, Knight, ves creatit Baron, and Banneret, Lord of our Sovereine Lord's Parliament, and ordainit to be callit *Lord Balmerinoc*.

COLVEILL.

THE day aforaid, 25. Appryll (1604.) Sir James Colveill of Easter Veimes, creatit Lord of our Sovereine Lord's Parliament, and nameit *Lord Golveill of Culrose*.

The following Creations of the Lords posteriour to 5. Merche 1606.

BLANTYRE.

THE 10. Julij Anno 1606. *Valter Steuart, Prayour of Blantyre*, ves maid *Knight of Cardonald*, and thairafter *Barone, Banaret*, and Lord of our Sovereine Lord's Parliament, and ordaynit in all tyme thairafter to be callit *Lord of Blantyre*.

BURLIE.

SIR *Michaell Balfour of Balgarvie*, Knight, is maid and creatit *Barone Banaret* and Lord of our Sovereine Lords Parliament to be sty-

lit in all tyme coming *Lord Balfour of Burlie*, at Vhythall in Ingland, 16. Julij Anno 1607. without any mention of Aires in hes Patent or Creatione, Jac. 6. Kyng of Grate Brittain Fran: and Ireland, &c.

KINCLAVIN.

JAMES STEUART, Brother German to *Patrick Earll of Orkney*, ves be Ja. 6. maid and creatit *Lord of Kinclavin*, without mention of Aires, at Edinbrughe, the 10. of August Anno 1607.

HALIRUIDHOUS.

THE day afforfaid Sir *Jhone Bothuel of Foord*, Knight, Lord of the Sessioun and Pryme Counsell, ves creatit *Lord of hes Majesty's Parliament*, and to be stylit in all tyme coming *Lord of Haliruidbous*, gine to him and hes Aires-maill onlie Ja. 6. 10. August 1607.

Not. As for the rest of our Lords of Parliament, ze fall, in this subsequent page, see the daitts of thair severall Creationes, quhose quholl noumber in *this present Zeir of God* 1626, vill be 40.

Not. *Garlies* ves creatit Lord, 25. Sept. 1607, and now in the Zeire 1621. be Ja. 6. ves creatit *Earll of Galloway*.

MADERTIE ves creatit 25. Sept. 1607.

COOPER ves creatit 20. Decemb. 1607.

Not. Kintail last may 1610. and thairafter be Ja. 6. creatit *Earll of Seafort*, in Anno 1624.

CRANSTONE, ves creatit 4. Junij 1610.

DESKFURD, ves creatit 4. Octob. 1615.

MELVEILL, }
 AND } last Appryl, 1616.
 CARNEGIE, }

DALHOUSIE, creatit on 12. Mer. 1619.

Ther ar diverse *Lords* heir in this precedent *Inventarie* or *Röll of Productions*, quhom ze will not fynde in thir letter Parliaments to keipe place, *because* they ar eyther fealed in successe of Ischeu, forfeaulted, or according to ther first Gyfts and Patents, fallin in againe to the Croune, or els quhose Livings and Heretages ar uterlie dilapidat, sald and put away. And sua by theise means manie auntient families in Scotland, ar sae by tyme suipt away, that scarce the mery remayns to be admired be Posteritie.

V I C O U N T S.

HADDINGTON.

Sir Jhone Ramsay of Barnes ves creatit be K. James 6. the 16. Junij Anno 1606. *Vicount Haddingtone*, gine to him and hes Aires maill; and thairafter ves creatit be the forsaide King, *Earll of Holdernes*, a Tytel and Priviledge in Ingland.

Not. He dyed without Aires begottin of a new body ; sua that thaife Tytills and Honnours ceassit, and all returns to the Croune, according to the Patent of hes Creatione.

FALKLAND.

HENDRIE Lord Carey in Ingland, ves be James 6. creatit *Vicount of Falkland*, Anno 1620. and nou in the Zeir 1625. is *Lord Deputie of Irland*.

DUMBAR.

HENREY Lord Constabell of Halschame in Ingland, ves be K. James 6. advancit to the Dignitie, to be *Vicount of Dumbar* in Scotland, in Anno 1620.

STORMONT.

DAVID Lord Scone, ves from *Lord Murray of Scone*, be King James 6. advancit to the Dignitie to be *Vicount of Stormont*, 12. Augusti Anno Salutis 1620. Regnante Jacobo 6^{to}.

AIRE.

VILLIAM Lord Crichtoune of Sanquhair, ves advancit to the Dignitie to be *Vicount of Aire*, 20. Septembris in Anno 1620. Regnante Jacobo Sexto.

Not. That *Jhone Metheland, Lora of Thirlestane*, before his Creatione and Advancement to be *Earle*, quhich ves in Anno 1624. 6. Martij, ves *Vicount of Lauderdaill*.

THE DECRET OF RANKING OF THE NOBILITY OF SCOTLAND, authorized by King JAMES the 6. Anno 1606. extracted from the RECORDS.

AT Edinburgh, the fifth day of March One thousand six hundred and six years, anent our Sovereign Lord's Letters, directed, making mention; Forasmuch as his Majesty and the Lords of his Secret Council, considering the great contentions and differences which many times occurrit and fell out amongst the Nobility of this Kingdom of Scotland, anent the Precedency and Priority in ranking and voting in Parliament and General Councils, and how that this their Contentions lay ever unremembered or agitated, but at the very instance of their meeting at his Majesty's Parliaments and Conventions, at which time there was great matter of Impediment offered to the Estates, to compose their differences, then to entreat upon the principal Subjects for which they were assembled: His Majesty and the said Lords, therefore, being careful to have this Contention removed, and the Controversies and Elisks which arise amongst the Nobility for that cause, settled and pacified; wherethrough the Estates and Nobility being freed and relieved of such matter of Contention, they may in Peace, Love and Amity, concur together, and deliberate upon such matters as shall be entreated and motioned in Parliament hereafter; His Majesty, for this effect, has given his Highness's Commission under the Great Seal to a number of his Nobility, and who are most indifferent, and noways suspect of partiality, to convene and call before them the hail Noblemen of this Kingdom of Scotland, and according to their productions and verifications, to set down every man's Rank and Place, as in the Commission foresaid, past under the Great Seal, at length, is contained: And anent the Charge given to Lodovick Duke

of Lennox, John Marques of Hamilton, George Marques of Huntly, Patrick Earl of Orkney, George Earl of Caithnes, Alexander Earl of Sutherland, James Earl of Murray, Francis Earl of Errol, George Earl Marishal, David Earl of Crauford, James Earl of Athol, John Earl of Montrois, James Earl of Perth, Earl of Monteith, Andrew Earl of Rothes, Alexander Earl of Dumfermling, Archibald Earl of Argyl, James Earl of Glencairn, John Earl of Caffills, Earl of Eglington, William Earl of Angus, William Earl of Morton, John Earl of Marr, Alexander Earl of Lithgow, Earl of Winton, Alexander Earl of Home, Simon Lord Frazer, Edward Lord Bruce of Kinloffe, John Lord Forbes, Patrick Lord Glames, James Lord Ogilvy, Alexander Lord Spynie, Patrick Lord Gray, Laurence Lord Oliphant, John Lord Murray of Tullibairn, David Lord Scoon, James Lord Lindsay, Lord Sinclair, James Lord Balmerinoch, Patrick Lord Lindores, James Lord Colvill of Culros, John Lord Fleming, Alexander Lord Elphingston, Alexander Lord Stewart of Ochiltree, Thomas Lord Boyd, Allan Lord Cathcart, Hew Lord Loudon, Robert Lord Seiple, Lord Paisley, James Lord Abercorn, John Lord Maxwell, John Lord Harries, Robert Lord Sanchar, Lord Ross, James Lord Carlyle, Robert Lord Roxburgh, James Lord Hay of Yeaster, Lord Neubottle, James Lord Thirlestain, James Lord Torphichen, James Lord Borthwick, Thomas Lord Dirleton, Lord Seaton, and the Tutors and Curators of the saids Dukes, Marquisses, Earls, Lords, if they any have, to have compeared before the saids Lords commissioners, at an certain day bygane, and to have brought and produced with them, such Writts, Evidents, Documents and Testimonies; as they have or can use, for acclaiming that Rank and Place of Precedency and Priority challenged be them before others, to have been seen and considered be the saids Lords Commissioners, and they to have heard and seen their Ranks and Place of Precedency and Priority, appointed and set down be them, according to the Antiquitie of their Productions,

and that whilk should be verified in their Presence ; and they and every one of them directed to take that place, whilk should be appointed and prescribed to them be the saids Lords Commissioners, as said is, certifying all such persons as should not compear themselves, or their procurators in their names, that the saids Lords Commissioners will go on forward in setting down every Man's Rank, according to that which should be verified, as said is ; and should proceed according to the several Instructions given be his Majesty to the saids Lords Commissioners for this purpose ; and the saids Lords Commissioners, their Determination should stand in full force and effect, aye and while an Decreit before the ordinar Judge be recovered and obtained in the contrair ; Likeas at more length is contained in the saids Lords Executions and Indorsations thereof, which being called, and divers Times and Dyets kept to that effect ; and the said John *Earl of Montrose*, Alexander *Earl of Dumfermling*, Francis *Earl of Errol*, George *Earl Marischal*, and Alexander *Earl of Luthgow*, compearand personally ; and the said Alexander *Earl of Sutherland*, compearand be Mr *Robert Learmont* his Procutor, and the said *Earl of Marr*, compearand be Mr. *Thomas Hope* his Procutor, the said David *Earl of Craufurd*, compearand be *Laurence Sco'* his Procutor, and the said Andrew *Earl of Rothes*, compearand be Mr. *David Aitoun* his Procutor, the said William *Earl of Mortoun*, compearand be Mr. *Thomas Learmont* his Procutor, the said *Earl of Monteith*, compearand be Mr. *Graham* his Procutor, the said Hugh *Earl of Eglington*, compearand by *John Bell* his Procutor, and the said John *Earl of Cassils*, compearand be *John Hamilton* and *Gilbert Ross*, and the said Andrew *Lord Steuart of Ocblitry*, James *Lord Balmerinock*, James *Lord Abercorn*, compearand personally, the said *Lord Lindsay of the Byres*, compearand be the said Mr. *Robert Learmont* his Procutor, the said John *Lord Forbes*, compearand be James *Fogo* his Procutor, the said Patrick *Lord Glames*, compearand be Mr. *Patrick Sharp* younger his Procutor, the said Patrick *Lord Gray*, com-

pearand be *Patrick Whyllie* his Procutor, the said *John Lord Seaton*, compearand be *Mr William Livingston* his Procutor, the said *Allan Lord Catbcart*, compearand be *George Angus* his Procutor, the said *James Lord Carlyle*, compearand be *Robert Hamilton* his Procutor, the said *Robert Lord Sanchar*, compearand be *Creichton* his Procutor, the said *James Lord Hay of Yester*, compearand be *Mr. James Burchan* his Procutor, the said *John Lord Herries*, compearand be *Corbal Cunningham* his Procutor, the said *James Lord Torphichen*, compearand be *Mr. Robert Learmont*, his Procutor, the said *Lord Thirlestain*, compearand be *Thomas Fleming* his Procutor, the said *Alexander Lord Spynie*, compearand be the said *Mr. Robert Learmont* his Procutor ; and the haill remanent Lords and Earles particularly above written, being oft times called and not compearand, divers Termes and Dyets assigned to them for this effect, the Writts, Evidents, Documents, and Testimonies, produced be the saids persons compearand, and every ane of them acclaiming the Priority and Precedency before others ; being divers times and at divers Dyets, very diligently and exactly *sighted, tryed, examined, and considered* be the saids Lords Commissioners : And the saids Lords therewith being, as also with the Ranks and Places of such Earls and Lords as were promoted and created in his Majesty's own time, well and throughly advised : The saids Lords Commissioners has decerned, decreited, appointed, and set downi, and, be these presents, *decerns, decreits, appoints, and setts down* the Ranks and Places following : *To the baill Noblemen* of the Kingdom, *to be kepted, bruiked and possessed* be them in all *Parliaments, General Councils, and Publick Meetings*, hereafter. In the first, the saids Lords Commissioners *decerns* and *ordains* the Duke of Lennox to have the first place, the Marques of Hamilton the second, the Marques of Huntly the third ; because, be the Custom inviolable observed in all Kingdoms, the place of honour amongst Nobility is first in the persons of Dukes, and next Marqueesses, and then in the persons of Earls and Lords ; and next unto them the saids

Lords Commissioners decerns and ordains the Earls above written, to have bruiked and possessed their Ranks and Places according as they are here written, ranked, and set down, in order following, *viz.* Angus, Argyl, Craufurd, Errol, Marisbal, Sutherland, Mar, Rothes, Mortown, Monteith, Eglington, Montrose, Caffills, Caithnes, Glencairne, Buchan, Murray, Orkney, Athol, Linlithgow, Home, Perth, Dumfermling, and Dunbar; and *sicklike*, the saids Lords Commissioners *decerns and ordains* the Lords particularly above written, to have bruiked and possessed their Ranks and Places, according as they are here written, ranked, and set down, in order following, *viz.* Lindsay, Forbes, Glames, Fleyming, Salton, Gray, Ochiltree, Cathcart, Carlyl, Sanchar, Yester, Semple, Sinclair, Herries, Elphingston, Maxwell, Oliphant, Lovat, Ogilvy, Borthwick, Roffe, Boyd, Torphichen, Pasley, Newbottle, Thirlestain, Spynie, Roxburgh, Lindores, Loudoun, Dirleton, Kinloss, Abercorn, Balmerinloch, Murray of Tillibairn, Colvil of Culroffe, and Scoon; and *decerns and ordains* all Earles and Lords, particularly above written, to keep, bruik, and possess their ranks and places in all times coming, according to the orders and ranks above written, *now set down, appointed and prescribed to them*, and to make no question, trouble, nor plea in this matter, to any appointed to have place and rank in the manner foresaid. But prejudice alwayes to such person or persons as shall find themselves or their interests prejudged be their present ranking, to have recourse to the ordinar remeid of law be reduction before the Lords of Council and Session of this present decret recovered; and of their due place and ranks, be production of more ancient and authentick writts, nor has been used in the contrary of this process, summondng all such persons thereto as shall think themselves wrongously ranked, and placed before them; and in the mean time, this present determination to stand in full force, strength, and effect, ay and while the party interrested and prejudged obtain lawfully ane decret before the said Lords of Councill and Session, as said is; and ordains these presents to be insert and registrar

in the books of Privy Council, and an authentick extract thereof to be delivered to the Clerk Register, and another extract to be delivered to the Lyon Herald, to be kept be them, for the better Knowledge and Information of every Man's Rank and Place, when the Occasion of their Ranking shall be presented. *Extract, de libris actorum secreti concilii. act. S. D. N. Regis, per me, Jacobum Primrose, clericum ejusdem, sub meo signo, et subscriptione manualibus.*

Follows the List of the Peers, with their Order and Precedency, as decreed by the foregoing decreet, viz.

The Duke of Lennox

The Earl of Morton

The Marquis of Hamilton

Monteith

The Marquis of Huntly

Eglington

These without controversy precede; because, by the custom inviolably observed in all kingdoms, the place of honor amongst nobility is first in the persons of Dukes, and next Marquisses, and then in the persons of Earles and Lords.

Montrose

Cassillis

Caithnes

Glencairn

Buchan

Moray

Orkney

Athol

The Earl of Angus

Linlithgow

Argyl

Home

Crawfurd

Perth

Errol

Dumfermline

Marishall

Dunbar

Sutherland

The Lord Lindefey

Mar

Forbes

Roths

Glames

The Lords Fleming

Salton

Gray

Ochiltree

Cathcart

Carlyl

Sanchar

Yester

Semple

Sinclair

Harres

Elphinston

Maxwell

Oliphant

Lovat

Ogilvy

Borthwick

The Lords Rosse

Boyde

Torphichen

Palley

Newbottle

Thirlestain

Spynie

Roxburgh

Lindores

Loudoun

Dirleton

Kinlofs

Abercorn

Balmerinöch

Murray of Tullibairdin

Colvil of Culroffe

Scoon

Thus the quhole Nobilitie of this our Kingdome of Scotland, recognizcit be Parliament at this 5. Day Martij in Anno 1606. consistet of 1 Duck, 2 Marquisses, 24 Earlls, and 37 Lords; in all 64.

De Jure Prælationis Nobilium Scotiae.

PAIRT SECOND.

CONTAINAND

*MEMORIALS extracted out of the Vnprinted Bookes of the Statuts and
Aets of Parliament of this our Kingdom of Scotland, of the SEX
JAMESES and QUEEN MARIE, anno 1610.*

JAMES the 1. second Son to *K. Robert 3. of Scotland*, after the death of *David the Prince*, hes elder Bruther, quho dyed throu Famine in the Castell of Falkland, ves creatit be hes Father *Robert 3. Prince*; and being detaynit 18 zeires a Prisonner in Ingland, ves agayne set at libertie, and at last maist inhumanly murdered be hes Cusine the *Earll of Atholl* in anno 1437, and ves buryed at the Charterous hous in the Towne of Pearthe, quhich he himselve had built.

In the Parliament haldin be King James the 1. 10. Januarij, anno 1434, ther ves chosin as Judges, or Lords of Artickels, thir Personnes following, viz.

The Abbot of Scone.

The Abbot of Inchcolme.

Jhoanes Senescallus.

Præpositus de Methven.

Robertus Senescallus de Lorne.

Thomas Soumervell de eodem.

Jhoanes Spence de Perth.

Thomas Clr. de Aberdeine.

et

Jacobus Park de Lithgou.

THE FORFAULTURE OF COMITIS MARCIÆ.

Not. In the aforefaids Parliament, haldin the 10. Januarij 1434, I find that *George Dunbar Earll of Merch* is forfaultit be the mouthe of *David Dempster* Judicator Parliamenti, anno vero regni Jacobi primi, quinto, and divers ver the poynts of Tresoune layed to hes Chairge, ut clarius videri est in Libris Cartophilacijs Actorum Parliamenti Jacobi Primi Regis Scotorum et Insularum Circumjacentium, &c.

THE CORONATION OF K. JAMES 2. Anno 1437.

A Parliament haldin be *King James* the 2. the 20. of Merch anno 1437, quher the quholl thrie Estaits of the Kingdome conveied hes Majestie frae the Castell of *Edinburrou*, to the Abbey of the *Holy Croffe*, quher that sayme day he ves solemlie crowned.

ANNEXATIONS be K. JAMES 2.

Item, In this said Parliament all thir lands following ver anexit to the Croune.

The quholl grate *Customes* of Scotland.

Item, The *Lordschipe* of *Ettrick Forest*.

Item, The *Lordschipe* of *Galloway*, with the Castell of *Crieffe*.

Item. The *Castell* of *Edinbrughe*.

Item. The Lands of *Bancrieffe* and *Giffins*, togidder vith the Lands pertaynand to the King's Majestie vithin *Louthean*.

Item. The *Castell* of *Streveling* vith all the Landis pertainand to it.

Item. The *Castell* of *Dumbartyn*, vith the Landis of *Cardrosse*, *Rosnethe*, and the *Pensione* of *Cadzou*, vith the *Pensione* of *Serne Meall* of *Kirkpatrick*.

Item. The quholl *Earldome* of *Fyffe*, vith the *Palace* of *Falkland*.

Item. The *Earldome* of *Stratherne*, vith the *Pertinents* belonging thairto.

Item. The *Houfs* and *Lordschipe* of *Brèchein*, &c. and the *Superioritie* of *Caruthquy*.

Item. The *Houfs* of *Invernesse*, togidder vith the *Baronies* of *Urquhard*, and the *Lordschippe* of *Tbane*, and the *Lordschippe* of *Abernetbie*, vith the *Vater Milles* of *Invernesse*, togidder vith the *Baronies* of *Urquhard*, *Glenmoir schire*, *Bamffe*, *Bronicher*, *Anachie*, *Ederdaill*, callit *Ardmanoch*, *Petstretblie*, *Strathend*, vith the *Pertinents*, *Redcastell*, vith the *Lordschips* in *Rosse* pertainand thairto.

In the Parliament halden at *Edinbrughe* be *James the Secund*, 9. *Octobris Anno 1437*. I find to be *Lords* of the *Artickells* and *Judges* of *Causis*:

Dominus Graham,
 Dominus Borthuick,
 Dominus Gray,
 Jhoanes Otterburne,
 Dominus Jhoanes Colchorme de eodem, Miles,
 Georgius Bertrame,
 Georgius Penecuik,
 Jhoanes Greinlaw,
 Robertus Pollock.

Mention is maid in Disputatiōe of Causes in the said Parliament, of *David Comes Graufurdiæ*, and in the 3. of October Anno forsaide, of *William Haye* of Fulton, agains *David Haye* of Zeister, touchand the Spoliatiōe of the Lands of *Mochane* callit *Brydsquarter* and *Limp-humb*, acclemit to velvet Restitutiōe; and a Proces of Jhone Haye, Sonne to the said David, That quhat the Lords decernit agains hes Faither fall not be prejudicial to him.

Lord Grabame, and *Villiame Grabame* of Murphie.

Also I find in ane Actiōe in the foresaid Parliament betwix the *Lord Grabame* and *Villiame Grabame* of Murphie, about a Vater gainge to the *Mille of Tynabie*.

PARL. 9. June 1455.—Forfaulture of *Earll of Douglas*, *Lord Balvennie*, and their Mother.

In ane Parliament haldin be K. James the twa, 9. Junij in Anno 1455, Proces of Forfaulture is led and deducit agains *Jacobus Comes de*

Douglas, and *John Lord of Balvennie* hes Brother, and *Beatrix* their Mother, and in that said Parliament, in the thretteine Daye of the said Monthe, ver forfaulted,

Jhoannes de Stonscheller,
Jhoannes Sharw de Hendrestone,
 et
Valterus Sinclair.

Parl. Anno 1456.

In ane uther Parliament haldin be hes Majestie and the thrie Estaits at Edinbrughe the 19. Octobris in Anno 1456, *It is ordainit*, That ther fall be a Nounber of selected Personnes for ministring of Justice throuout the Kyngdome, in tyme of Pestilence, for 3 Mounth; and for the Clergie; the first mounth ar electet and chosen

Pro Clero, Bischope of Dunkelden,
 Abot of Pesley,
 Abot of Melros.

For the Barons, Lord Grahame,
 Sir Patrick Hepburne,
 Laird of Cairnbie.

Burroues, William Cranstoune, Edinburgh,
 Robert Nairne, Stirling,
 Robert Mercer, Perth.

And thir nyne ver for the first Munthe.

The Secund Munthe.

*Pro Clero,*Bischope of Brichin,
Abot of Dnmfermline,
Abot of Lundoirs.*Barons,*Lord Abernethie,
Laird of Calderwode,
Sir Robert Livingstone.*Burroues,*Villiam Bonnar, St. Andrews,
David Spalding, Dundee,
Thomas Anderfon, Cooper.

And thir nyne ver appoyntit for the secund Munthe.

The thridd Munthe.

*Pro Clero,*The Bischope of ———,
Abot of Haliruidhous,
The Dean of Murray.*Barones,*Lord Lindseay of Byres,
Laird of Murthlie,
Constabil of Dundee.*Burroues,*Jhone of Mar,
Thane of Fyffe, Aberdeen,
Jhone of Haytoun, Hadingtoun.

And the Lords thinks speidful they begin to fit one Monday the 3. of November, in Edinbrughe, and thairafter to gang quher the saids Lords thinks speidful.

Parl. 4. August 1456.

Nae Office hereditarie.

In the Parliament be King James the 2. at Edinbrughe, 4. August in Anno 1456. *It is orderit*, That nae Office fall be gine in heritage frae the deceis of hes Father, and thaife that ver gine to be revokit; bot the *Vardenrie* of the *Merce*, the quhilk the King hes gine to hes Sonne *Alexander Earle of Merce*, and *Lord Annandail*.

Parl. 6. Martij 1457.

Item. In a Parliament haldin at Edinbrughe be the said King James the secund, 6. Martij in Anno 1457, ther ver ordaynit and chosen *for visiting the Moneyes*.

Bischopes, Murray,

Rosse,

Cathenes;

Abot of Halyrudhous.

Mr. Patrick Zoung;

Lords,

Dominus Grahame,

Dominus Lindefay,

Dominus Hamiltone;

Barones, Laird of Cranstoun,
 Jhone of Dalrymple,
 Archbald Steuart,
 Alexander Nepar,
 George Faulau,
 Jhone of Fyffe.

VISITING OF HOSPITALS.

Diocese of *St. Andrews*.

And also for the Visitatione of Hospitalls, I find at that sam tyme appoyntit, *viz.* The Chanceler alwaies being ane, and vith him in the Diocese of *St. Andrews*, ves *Robert Levingstone* and the *Archdean of St. Andrews*.

Diocese of *Glasgow*.

In the Diocese of *Glasgow*, the *Laird of Elliotstone* and the *Archdean of Glasgow*.

Dunkelden.

In the Diocese of *Dunkelden*, the *Dean of Dunkelden* and *Thomas of Abercrombie*.

Brechein.

In the Diocese of *Brechein*, *Sir Jhone Ogilvey* and the *Dean of Brechein*.

Aberdeine.

In the Dioceſe of Aberdeine, the *Lord Forbace* and the *Abot of Deire*.

Murray.

In the Dioceſe of Murray, the *Laird of Dalbous* and the *Abot of Kinlofs*.

Galloway.

In the Dioceſe of Galloway, the *Lord Maxuell* and *Mr. Jhone Lauder*.

Roffe.

In the Dioceſe of Roffe, the *Chancellor of Roffe* and *Villiam of Urquhard of Cromartie*.

And for the remanents, the *Lord Chancellour of Scotland*, and quham he is pleaſit to tak to him.

JACOBUS III. Rex Scotorum, et Infularum circumjacentium
Dominus, 10. Octobr. 1462.

IN a Parliament haldin be King James the 3. at Edinbrughe, the 10. Octobris in Anno 1462. ane Act ves maid, That no Clerik, Eccleſiaſtick or Laick, ſall purches Benefices or Presentatione of Benefices frae the Pape of Rome, vnder grate Pains mentionat in the ſaids Statuts and Acts of Parliament; and I find vitneſſing to the ſamen

Georgius Comes de Angus, Jhoanes Comes de Athole, Jacobus Dominus Livingstone, et Jacobus Dominus Hamiltone de eodem.

In a Parliament haldin be King James the 3. at Edinbrughe, in Anno 1467. *Comes Arranniæ* is *Scotiæ Constabularius*, also the 16. Octobris, at the said Parliament, I find compearing of the Nobilitie.

EARLLS.

Roffe, Monteith, Argyll, Rothefs, Craufurd, Marischall, Arran.

LORDS.

Erfkine, Boyd, Grahame, Maxuell, Crichton, Oliphant, Montgomerie, Gray, Haliburtone, Setone, Lindefay, Hails, Glames, Borthuick, Forbace, Lyill, Sanquhair, Hume.

LAIRDS.

Præceptor de Torphichen, Gulielmus de Edmonstone, Jacobus Shaw, Mr. David Guthrie de eodem, Roberto Grahame, Roberto Liddell, with the Lairds of Caldervode, Rafeith, and Luffe; and in the next Sessione of Parliament, I find Caldervode ane of them.

PARL. 21. NOV. 1469.

In the Parliament haldin be King James the 3. at Edinbrughe, the 21. Novemb. in Anno 1469, I find these Earlls, Lords, and Barannes, following, ver present.

EARLS.

Huntly, Atholl, Craufurd, Orkney, Angus, Menteith, Mortoun, Errol, Marischall, Argyll, Rothes.

LORDS.

Lorne, Hails, Grahame, Haliburtone, Gordoune, Abernethie, Crichton, Kilmauers, Cathcart, Hamiltoune, Erskine, Somervell, Maxuell, Forbace, Glames, Settone, Darnley, Lindefay, Gray, Fleming, Oliphant.

EQUITES.

Villielmo Douglass de Cluney, Roberto Crichtone, Jhoanne Colquhoun, Simon Glendinning, Equites; Domino Jhoane Ogilvey, Villielmo Steuart, Alexandro Hume, Jacobo Crichtone, Henrico Douglass, Roberto Colveill, *Equites Aurati omnes.*

LAIRDS.

Jacobo Shaw de Saughie, Vallace de Craigie, Blairquhané, Dundass, Thomas de Calder, Auchenleck, Andreas Ker, vith the Lairds of Houstoun and Cranstoune.

Item. The 13. Maij 1471, I find that *Hew Lord Frazer* fall content and paye to *Alexander Flemyng*, the Maills and Deuties of the Landis of Peguhine, takin upe and receavit be him tua Zeires. The Lords I find present at the pronouncing of thes Decreit ver,

The Lord Beufort (quhose Name as I suppois wes then Lindefay),
 The Lord Monipennie,
 The Lord Terregills,
 with
 The Lord Torthorell,
 and
 Elphingstone, and divers uthers of the Nobilitie also.

Item. The 20. Feb. 1471, the King's Majestie, with Advysse of hes
 3 Estaits, *ordainis*, That in Tyme coming ther fall be nae doubil Tref-
 four about hes Armes.

A SUBSIDY for LEVYING MEN.

As also, The Nobilitie and 3 Estaits, hes grantit 5000 lib. for send-
 ing of 6000 Men to *France*.

ANNEXATIONE OF ORKNEY to the CROUNE.

And the sam Daye hes annexit *Orkney* and *Zetland* to the Croune;
 and that it fall in nae Tyme heirafter be gine but to the Kinge's
Sonnes.

Item. The Parliament is continet till the 12. of August next to cum
 1471. in the quhilk thir Persones followand fall hae Power to judge
 of all Causes, to wit, For the Layick and Nobilitie, omitting to speak
 of Prelatts and Bischopes.

LORD ALBANIE.

EARLES

Craufurd, Huntley, Argyll, Menteith, Mariscall, Erroll.

LORDS

Hamiltoun, Erskine, Lyell, Killmauers, Lindefay, Oliphant, Glames, Settone, Forbace, Borthuick.

And for the BURROUES,

Sir Alexander Nepar for Edingbrughe,
Valter Zoung and Andreu Charteris for Perth,
Andreu Allanson for Aberdeine,
Matheu Foster for Striveling,
James Ogilvie for Dundie,
Alexander Hepburne for Hadingtoun,
Valter Bonnar for St. Andrews,
Alexander Foulis for Lithgow.

Mr Jhone Otterburne, Thomas Oliphant, George of Greenlaw, and Matheu Forrafter, accompanet the Prelats and Bischopes, to hold Court and Sessiones for *Edinbrughe*.

And for the Layick that accompanet the Bischopes and Prelatts at Perth, ver Earll Mariscall, Lord Glames, Robert the Grahame of Foulis, Mr. Fergus Mackdouell Clr. Regist.

Item. The 23. Julij 1473, King James the 3. is quhollie of Intentione to depairt this Countrey for *France*, quher the Nobilitie and 3 Estaits setts doune some Artickels and Matters to be donne befor hes Depairture; this I finde in the *Manuscript Buicks* of the Acts and Statuts of Parliaments maid be King James the 3.

FORFAULTURE OF JOHN EARLE OF ROSSE.

COPY of the EXECUTION returnit be Unicorne Pursephant and Shriffe of Innerneffe, against the said John Earle of Rosse, Lord of the Iylls, &c.

16. October 1475.

I UNICORNE, Pursephant and Shriffe of Innerneffe, in this Parliament, speciallie constitut be our Soveraine Lord the King, be thir hes Lettres, *past* to the Castell of Dingvall of Rosse, and askit Entrie, and the Presence of Jhone Earle of Rosse, and Lord of the Iylls, &c. the quhilk I could not get; and incontinent at the Gaites of the said Castell, I summonit, warnit, and chargit peremtorilie, the said *Jhone Earle of Rosse*, to *compeir personallie*, befor our Soveraine Lord *the King*, in hes Burgh of Edinbrughe, in hes next Parliament ther to be haldin the 1. Day of December next to com, vith Continuatione of Dayes, *To answer* to our Soveraine Lords Hienes, in the said Parliament, *upon* the Treasonabil Conniving with our Sovereign Lord's Enemies of Ingland and Inglishmen; *and for* the Treasonabil Communing with the Traitor *Sir James of Douglas*, somtyme *Earle of Douglas*: *And for* the Treasonabil Help, Succor, Supplie, Favorr and Counsell gine be him to the samen Traytour, agains our Sovereigne Lord and hes Realme: *And for* the Treasonabil givand saife Conditiones to our Soveraigne Lord's Enemies of Ingland: *And for* the Treasonabil usurp-

ing our Soveraigne Lord's Authoritie, in makand hes Bastard Sonne a Levetenant to him, within our Soveraigne Lord's Realme: *And committand* Power to justifie to their Deed our Soveraigne Lordis Leiges that ver inobedient to him: *And for* the Treasonabil Convocatione of our Soveraigne Lordis Leiges, and seasing of his Castell of *Rotbesay* in *Butte*: *And* burning, slaying, vasting, and destroying of our Soveraigne's Lord's Leiges and Lands of the *Iyll of Butte*, after the Forme containit in the Letters: *And also*, to answer upon all uther Crymes, Offences, Transgressions, and Treasonabil Deeds, comittit and done be the said *Jhone Earle of Rosse*, treasonable agains our Soveraigne Lord and hes Realme; and to all Poynts and Artickels containit in the Letters, and after the Fourm of the samen; and this Executione I maid befor thir Vitnesses, Donald Vaterfone Macbeth, John Donaldfone, Villiame Adamsfone, Jhone of Paris, and divers uthers; and *attour* the sam Day, befor the aforfaid Vitnesses, I summonit be open Proclamatioun, *the said Jhone* to compeir, as said is, in all Fourme and Effect above vritten, at the Mercat Crosse of *Innerneffe*, to answer to the saids Artickels containit in the saids Summonds, as said is, befor thir Vitnesses, Jhone Lefar and Henry Finlay, Bailzies of the said Burghe of *Innerneffe*, Jhone of Dunbar and divers vthers. In Vitnes of this may Executione, I hae affixit this may Seall to this may Indorsatione, Day, Zeir, and Place abov vrettin, *viz.* 16. Octobris Anno a Partu Virginis 1475.

Not. That Jhone Earll of Rosse, and Lord of the Iylls, ves accusit of *seven* Poynts of Tresone, or Lese Majestie, for quich he ves forfaultit in the aforesaid Parliament.

29. NOVEMB. 1475.

In the Parliament haldin be King James the 3. at Edinbrughe, the 29. of November, in Anno 1475, I find of the Nobilitie to be present:

EARLS

Craufurd, Mortoun, Atholl, Huntley, Rothes.

LORDS

Erskine, Glames, Lindefay, Crichton, Forbace, Lyill, Gray, Hamilton, Cathcart, Home, Abernethie, Carleill.

Dominus Villielmus de Borthuick, Dominus Adamus de Stobhall, Præceptor de Torphichen, Sir Villiam Murray, Robert of Dunbar, Alexander Haliburton, Robert of Drymen.

Item. The 1. Decembris in Anno 1475, Jhone Earle of Ross, Lord of the Iylls, hes Forfaultrie ves pronouncit.

Item. 2. Debembris 1475, I find, That Mr. Androu Hay, Procurator for Sir Alexander Hay of Zeister, protestit befor the Lords Auditors, that becaufe David de Hay hes Father, and Jbone de Hay of Oliver Castel, ves summonit be Edmund Hunter of Polmadie, to hae shaun befor the King and hes Counsaill, quhilk of them ver Chieffe Baronne of Oliver Castell, the said Edmund being often Tymes callit to hae causit them to be folhued, and not compeirit, nother himselve, nor hes Procurator, that the said Edmund fall not be herd in Judgment anent the said Mater, quhill the said Sir David and Jhone be payit of ther Expences, and that they be aneu summonit.

Item. A Decreit is gine furthe that sam Day to Mr. Androu de Hay, Provost of the Bothens, agains Robert Lord Flemyng, ordainand

him to pay to the said Mr. Androu the Soume of 12 mks. 6 sh. 8 d. Money of Scotland, &c.

PARL. 1st. July 1476.

A Parliament haldin be King James the 3. at Edinbrughe, the 1. of July in Anno 1476, of the Nobilitie, I find present at this Parliament, ver

DUX ALBANIE.

EARLS

Marr, Atholl, Argyll, Menteith, Huntley, Rothes, Craufurd, Marischall, Erroll, Morton.

LORDS

Darnley, Glames, Settone, Oliphant, Lyill, Crightone, Hamilton, Lindefay de Byres, Kilmaures, Fleiming, Innermeth, Borthuick, Erskine, Abernethie in Rothemay, Kennedie, Carleill.

ET PRO CASIBUS,

Dominus de Stobhall, Alexander Haliburton, Alexander Fouells, Mathæus Forster.

1. JULY 1476.

The quhilk Day the King's Majestie creatit *Jhone* of *Ila*, Lord of the *Iylls*; and annexit to the *Croune* the quholl Lands and *Earldome* of *Rosse*; and said Parliament ves continuit till the 4. of October 1476.

I find, That the 6. Julij Anno aforesaid, the *Lords Auditors* continues the *Causis* persequit be *Thomas* of *Montgomerie* on the ane *Pairt*, and Sir *Villiam* *Simpell*, Bailzie to the *Abbot* of *Pasley* and *Caley Rosse*, on the vther *Pairt*, anent the *Poinding* of the *Chapel Lands* of *Dumroy*, set be *Villiam* of *Livingstone* unto the saids *Thomas*, and the said Parliament ves continet till the 4. of October in Anno aforesaid.

Item. The 17. Julij, in Anno foresaid, in the *Afternune*, I find that *George Earll* of *Rothes* obtaines ane *Protestatione* agains *Valter Oliphant* of *Kellie*.

1. JULIJ 1477.

The 1. Julij 1477, a Parliament ves haldin be K. James the 3. at *Edinbrughe*; at quhich Parliament ther ver present of the Nobilitie,

DOMINUS DUX ALBANIE.

EARLLS

Mar, Atholl, Argyll, Menteith, Huntley, Rothes, Craufurd, Erroll, Mariscall.

LORDS.

Darnley, Glames, Settone, Oliphant, Crichtone, Hamiltone, Cathcart, Lindefay de Byres, Kilmauers, Fleming, Innermeithe, Borthuick, Erkeine, Abernethie in Rothemay, Kennedie, Lyill, Carleill, Stobhall.

At that Time also ves *Andreas Dominus de Anandaill, Scotie Cancellarius*, of what Name he ves I do not know, him I finde *Steuart* againe.

Item. The 19. Julij in Anno 1477, in the Actione and Cause perfeit at the instance of *Sir Robert Crichtone of Sanquhair, Knight*, agains *Jhone Earll of Sutherland*, anent the vrangous Occupatione of the Lands of Crichtone in Sutherland, and seasing of the famen, Decreet is pronouncit agains *the said Earll*.

Not. 1. That this is the first Tyme I reid of the *Earll of Sutherland* in the *Buiks of Parliament*, and as zet, that the said *Sir Robert Crichtone* is not Lord Sanquhair as zet.

Not. 2. The *Earll of Glencairne* also, hes Predecessours, at this Tyme is bot stylit *Lord* of Kilmauers, and *Sir Robert Colveill* of Ochiltreie is *not* Lord Ochiltree at this Tyme.

1. MARTIJ 1478.

A Parliament haldin be K. James the 3. 1. Martij in Anno 1478, I finde the Nobilmen after mentionit, to be present in the aforfaids Parliament.

EARLS.

Mar,	Menteith,
Atholl,	Mortoune,
Angus,	Roths,
Craufurd,	Errol, <i>Grate Constabil,</i>
Buchan,	Marischall, <i>Grate Marischall.</i>
Argyll,	

Dominus Annandaill Cancellarius.

LORDS.

Erfkeine,	Home,
Darnley,	Lindesay de Byres,
Haliburtone,	Crichtoun,
Maxuell,	Borthuick,
Somervail,	Glames,
Kennedie,	Gray,
Kilmauers,	Settone,
Fleming,	Oliphant,
Lyell,	Cathcart,
Carleill,	Innermaith.

LAIRDS,

Dominus de Stobhall, Tullibairdin, Dominus de Elliotstoun, Halkestone, Dominus de Restalrige; for the small Barons, thir four Lairds aforesaid.

COMMISSIONERS OF BURROUES.

OF

Beruick,	Vigtoune,
Jedbrughe,	Kirkcudbright,
Selkirk,	Aire,
Peebells,	Iruing,
Lanrick,	Drumbrittone,
Dumfries,	Streveleing,
Lithgow,	Haddingtoun,
Edinbrughe,	North Bervicke,
Dunbar,	Inerkeithing,
Kinghorne,	Cooper,
Carleill,	Perthe,
St. Andreus,	Dundee,
Forfar,	Montrois,
Brechin,	Aberdeine ;

And divers uthers viche I omit, vith manie viher Barons ; as, Præceptor de Torphichen, Dominus de Zester, et de Basse, Magister de Haills, Magister de Erlkeine, Dominus de Petrevie, Dominus de Halkheid, Dominus de Dalhousie, Dominus de Saltoune, Dominus de Craigie Wallace, Dominus de Luffe.

Item. The 13. Merche, the *Lords Auditors* of Causes ordainis and decernis *Heu Lord Frazer* to content and pay to *Villiam Wallace of Craigie*, and *Margaret Countess of Craufurd* hes Spous, the Soume of 50 Marks Scottis Monie, for the thrid Pairt of the Lands of *Strathbrane*, pertainand to her durand her Lyffetyme as *Tearce*, &c.

I. JUNE 1478.

Item. In the Parliament haldin be K. James the 3. at Edinbrughe,
1. Junij in Anno 1478, compeirit at this Parliament of the Nobilitie,
viz.

CANCELLARIUS.

EARLLS.

Angus,
Argyll,

Buchan,
Mortoune,

Marischall;

LORDS.

Hamiltone,
Crightone,
Lyell,
Lindesay,

Borthuick,
Stobhall,
Maxuell,
Ruthven.

Laird of Craigmiller, Præceptor de Torphichen, Laird of Cranstoune,
Hamiltone of Inervick, Sir Alexander Dumbar, Sir James Crightone
of Cairnes.

Not. I find ther is Messars in King James the 3. hes Tyme.

Item. The 4. Junij in Anno 1478, *ante meridiem*, in the said Par-
liament befor the *Lords Auditors*, *Marione*, Spous of Vmquhil James
Lord Levingstone is conveinit be James Lord Hamilton; fua that I
perceave the Lord Levingstone hes bein Lord lang befor this.

Item. 5. Junij in Anno aforaid, a Decreit is pronouncit in Favours of the Toune of *Inerkeitbing* agains *Villiam Earll of Cathenes*, for the Pettie Customes of Dyfert; quhilk the said Earll Villiame had intro-mittit vith for the Space of 17 Zeires.

Not. I find *James Aikman* to be, in King James the 3. hes Tyme, Dingvall Pursiphant.

TRAITOURS, for VICTUALLING and KEEPING the CASTELL
of DUMBAR against the KING.

At Edinbrughe, 3. Octobris in Anno 1479, I find thir Persones following, viz-

Jhone Allane of Butterden, Gavin de Manderstoune, Oswalde Vardlaw, James of Edingtoune, Adame of Paxtonne, Jhone of Brig-inald, James Leige, Thomas Boure, Robert Barber, Villiame Kermug, Jhone Kelfo, Jhone Biffort, Villiam Quhyt, Marice Bonar, Simon Carict, Archart Montagu, Jhone Blacater, Jhone Michaelstone zounge-er, Jhone Grinvode:

Thes above namit Persones, ver all convict of *Hie Treasone*, as said is, for victualling, stuffing, halding, and keeping of the *Castell of Dum-bar* against the King.

4. OCTOBER 1479.
In the Parliament haldin be King James the 3. at Edinbrughe, 4. Octobris in Anno 1479, ther ves present of the Nobilitie,

EARLS.

Huntley, Atholl, Buchan, Errol, Marriscall, Mortoune.

LORDS.

Settone, Haliburtone, Lindefay, Grahame, Erkeine, Somorvell, Kilmauers, Borthuick, Crightoune, Oliphant, Gray, Home, Lyill, Carleill.

Dominus de Stobhall, Dominus de Eliotstone, Dominus de Kennedie, Dominus de Dalhousie.

FORFAULTURE OF ALEXANDER DUCK OF ALBANIE.

All thir afor said ver conveinit in Parliament, for forfaulting of *Alexander Duck of Albanie*, and *John Ellen of Buddenden*, &c. The Lords of Parliament continuit the sam Parliament to the 3. of May next ensueing, and therafter ves continuet till 4. Aprilis in Anno 1481.

Item. The 13. October, in Anno for said, the Lords Auditors decreis and decerns, That *Jbone the Rosse of Halkbeid*, Knight, *Sbriffe of Lithgow*, fall content and pay to *Robert of Cuninghame*, Mr. of Kilmauers, as Protuitor for the *Lord Lindefay of Byres*, the Soume of 15 lib. 4 sh. and 20 Bolls of Malt, quich hes depuit *Jbone of Kincaid* poindit and distrainziet, as ves known and provin to the Lords.

10. MARTIJ 1481.

In the Parliament haldin be K. James the 3. at Edinbrughe, 18. Martij in Anno 1481, ther ver present of the Nobilitie, viz.

EARLLS.

Angus, Huntley, Atholl, Buchane, Errol, Marifcall, Mortoune.

BARONES or LORDS.

Grahame, Erskeine, Darnley, Borthvick, Oliphant, Maxuell, Cathcart, Gray, Kilmauers, Glames, Haliburtone, cum multis alijs.

ELECTI ad ARTICULOS et CAUSAS.

Pro BARONIBUS.

Angus, Huntley, Darneley, Buchane, Erskeine, Glames, Stobhall.

BURROUES.

Edinbrughe,

Perthe,

Dundee,

Aberdeine,

Montrois,

St. Andreus,

North Bervicke,

Lithgoue,

Lauder,

Striveling,

Haddingtone,

Breichine,

Killcudbright,

Dumbar,

Cooper,

Ruglene,

Carleill,

Aire.

Renfreu,

Not. This is the first Tyme that I do misse Beruick in the Parliaments, to compeir be her Commissioners.

LORD LYELL ACCUSIT.

Item. The 22. Day of Merche, the 5. day of the said Parliament, the Affiese that ves upone the Acusatione of *Robert Lord Lyel*, ves these after mentionit; viz. Comes Atholl, Comes Mortoune, Dominus Erskine, Glames, Oliphant, Cathcart, Creightone, Borthuick, Stobhall, Dominus de Drumlanrigge, Dominus Maxuell, Villielmus Borthuick, Miles, Alexander Mr. de Craufurd, Silvester Ratray de eodem, Thomas Abercrombie de eodem, Miles, David Moubrauy de Barniebouyall, Miles.

POYNTE of his ACCUSATIONE.

Robert Lord Lyell is accusit for sending Letters to *James Earll of Douglas*, (or as it is vritten, to *James Douglas*) to Ingland; *Jhone Drummond of Stobhall*, being *Chancellour of the Assysie*, all with ane Voyce clenged him, viz. *Robert Lord Lyell of that ilk*. Also, it is declairit, be the King's Majestie, That the taking of the *Castell of Edinbrughe* be hes Uncles *Jhone Earll of Atholl*, and *James Earle of Buchane*, in the King's Majestie's tender age, ves donne at hes Majestie's Command and Allowance; the quhilk hes Majestie in hes *perfyte Age* in Parliament confirms the sam.

Not. I find at this Tyme *Robert Colueill* of *Ocbiltrie* is onlie *Miles*;
as also, that ane *Sir Jbone Halyday* Præceptor of *St. An-*
thonies befyd *Leith*, conveyes the *Lord Lyell* before the
Lords Auditors for certaine Teyndes.

13. Aprilis 1481.

In the Parliament haldin be K. James the 3. at *Edinbrughe*, the
13. of Aprill in Anno 1481, ver present of the Nobilitie,

CANCELLARIUS.

COMITES.

Angus, Argyll, Atholl, Buchane, Menteith, Marischall, Rothcs.

LORDS.

Darnley, Erskeine, Oliphant, Glames, Cathcart, Gray, Carleill,
Lyell, Kennedie.

Robert Crightone of Sanquhair, Magister de Erskeine, Sir Da-
vid Lindefay, Dominus de Dalhousie, Dominus de Basse, Sir James
Lidell, Mr. of Hails, Corstorphine.

TAX for VICTUALLING the TOUNE of BERUICK.

In this Parliament, the Lords have grantit a Taxt of 7000 Marks
for victualling of the Toun of *Berwicke* for 40 Dayes.

2. DECEMB. 1482.

In the Parliament haldin be K. James the 3. at Edinbrughe, upon Friday 2. Decembris in Anno 1482, and of the King's Majestie's Raing the 23. ver present of the Nobilitie,

PRO COMITIBUS et BARONIBUS.

Dux Albania, Huntley, Angus, Atholl, Buchan, Craufurd, Errol, Mortoune, Dominus Erfkeine, Grahame, Kilmauers, Cathcart, Glames, Abernethie, Halyburton, Maxuell, Borthuick.

16. FEBRUARIJ 1483.

Item. In the Parliament haldin be K. James the 3. at Edinbrughe, the 16. Februarij Anno 1483, ther ver present of the Nobilitie,

Colin Earll of Argyll, Chancellour.

Angus, Errol, Marischall, Mortoune, Craufurde *per Procuratorem* Thomam de Fotheringhame.

LORDS.

Erfkeine, Evandaill, Settone, Glames, Oliphant, Cathcart, Carleill, Somerveill, Borthuick, Hails, Kennedie, Fleming, Maxuell, Lindefay of Byres,

LAIRDS.

Alexander Home of that Ilk, Jhone Hay de Zeſter, Dominus de Halkheid, Robertus Crichtone de Sanquhar, Thomas Simpell, Vicecomes de Renfreu, Villielmus Ruthuen de eodem, Vicecomes de Perth, Georgius Campbell, Vicecomes de Aura, Mr. Mathæus Steuart, Gulielmus Edmiſtone de Lentrethen, Robertus Lauder de Baſſe, Villielmus Murray de Tullibardine.

The LORDSCHIPE of BOTHVELL, gine be the KING to JHONE RAMSAY of that ILK.

In the ſaids Parliament, I find the Lands, Baronie, and Lordſchipe, of Bothvell, is gine be the King to Jhone Ramsay of that Ilk, togidder with 40 *Marks of Land*, of the *Baronie of Monipennie*; quhilk fell in the King's Hands be Recognitione: *As alſo*, the ſaid Ramsay of Bothvell, ſells the Lands of *Thorne-dykes* to *Janet Nepar* his Mother, Spous to *John Viſſone* for certaine Soumes of Moneye, quhich the Parliament and three Eſtats of the Realme conſentit to the ſamen: And this is the firſt alienat Lord of Bothvell I red of.

19. FEBRUARIJ 1483.

FORFAULTURE of VILLIAM LORD CRIGHTONE.

In the Parliament haldin be the ſaid King at Edinbrughe, upon the 19. Day Februarij in Anno 1483, the Proceſs of Forfaultrie is led and deducit agains *Villiam Lord Crichtone*, before Thomas Lord Erſ-

keine, Robert Lord Fleming, Laurence Lord Oliphant, Alexander Lord Glames, and Jhone Lord Kennedie; and the saids *Villiam Lord Crighton* ves forfaultit, *becaus it ves alledged* he ves in Counsaill, and hed Arte and Pairt vithe *Alexander Duck of Albaney*, that hed Intelligence of *Edward King of Ingland*, and receavit ane Pursephant, callit *Bleumantil*, quho hed Treasonabil Letters and Vretts agains hes Majestie and Realme: *And for sending Thomas Dickson* vithe Letters to the said Duck, since hes Forfaultrie: *And that the Duck sent Sir James Liddel of Halkberstone* to Ingland vithe Letters: *And for halding the Castell of Crighton* agains hes Majestie.

Not. That vithe *Villiam Lord Crighton*, ther ver forfaulted, *Jhone Liddel Halkerstone's eldest Sonne*, *David Purves* of Smal-
len, *Gavin* and *George Crightones*, Brithren to the said *Lord Crighton*, and *James Cockburne*, Sonne to *James Cockburne* of *Clerkingtoun*, 19. Feb. in Anno 1483.

1. Merche 1483.

Item. One the 1 of Merche in Anno 1483, *Sir Gilberte Jhonstone* ves maid *Constabil Deput* of *Scotland*, then being *Laird of Elphinstone*.

27. JUNE 1483.

Item. In the Parliament haldin at *Edinbrughe*, be King James the 3. upon the 27. Junij 1483, the King's Majestie, vithe the Advys and Consent of the 3 Estaits of hes Hieniefs Parliament, *bes annexit* to the *Crown*, all the Lands quhillk sum tyme apertained to *Alexander Duck of Albanie*; and the Lands of *Sir James Liddel of Halkerstone*.

The Nobilmen following, be hes Majestie's Comiffione in the aforefaid Parliament, hed full Pouer to that Effect.

EARLLS.

Craufurd, Angus, Argyll, Mortoune, Errol, Marifchall.

LORDS.

Evandaill, Erskine, Darnley, Gray, Lyell, Glames, Oliphant, Cathcart, Carleill, Kilmauers, Borthuick, Haills, Lindefay, Stobhall.

Præceptor de Torphichen, Thomas de Fotheringhame, et Jhoannes Roffe, cum multis alijs, *et cum Commissionarijs Burgorum.*

Not. It appears frae the Statut Booke, that the Lands annexit ver, *Imprimis*, all and haill the Lordschipe and Earldome of *March*, vithe the Pertinents: All and haill the Lands and Baronies of *Dumbar* and *Colbrans-peth*; vithe the Castel of *Dumbar*, vithe the Toun and Fortalice of *Colbrans-peth*: All and haill the Lands of the Lordshippe of *Annandaill*, vithe the Pertinents, vithe the Castell of *Lochmaben*, vithe Tennentes, Tennendries, and Service of free Tenants, of the faids Earldome and Lordschippe of *March*; and of the aforefaid Baronies of *Dumbar* and *Colbrans-peth*, and Lordschippe of *Annandaill*; and Advocations of all and findrie Kirks, Prebendaries, and Chaplanaries, pertainand to the faidis Earldome, Baronies, and Lordschippes: Mairover, to the effect that this present Statute may be mair surely keepit and observet, It is statute and ordainit, " That we fall give our bodiely Aith for the inviolabil Observation of the samen; and that all and findrie our

“ Successoures, Kings of *Scotland*, fall be oblissed to mak the
 “ like Aith, in the tyme of their Coronation. In vitnes of the
 “ quhilks, all and findrie Premises, our grate Seale, *and* the Seales
 “ of the Venerabil and Reverend Fathers in Christ, Bischoppes,
 “ Abbots, Priors, togidder vithe the Seales of *our Lovites, Coun-*
 “ *singes*, Earles, Lords, Baronnes, Freeholders, and Commissioners
 “ of Burroues, are hereto hung and appendit.”

17. Maij 1484.

In the Parliament haldin be K. James the 3. at Edinbrughe, the 17.
 Maij in Anno 1484, ther ver present of the Nobilitie,

EARLLS.

Angus, Huntley, Craufurd, Marischall, Mortoune, Atholl.

LORDS.

Evandaill, Erskeine, Cathcart, Fleming, Halyburtone, Carleill, Kil-
 mauers, Settone, Glames, Borthuick, Ogilvey, Kennedy, Zester.

Magister Jhoanes Lyone, Magister de Craufurd, de Erskeine, de
 Kilmauers, Præceptor de Torphichen, Dominus Jhoanes Ogilvey Miles,
 Dominus Haltone de Barnebougall, de Dundas, de Kellie, de Fyffe,
 Dominus Kellie de Angus, Constabularius de Dundee, Vicecomes de
 Renfreu, Vicecomes de Aire, Dominus de Lockleven, Villielmus
 Keithe de Kerfe, Jhoannes Murray de Talhud, Villielmus Murray de
 Tullibardine, Thomas Fotheringhame de Pourie, Dominus Gilbertus

Jhonestone Miles, Dominus de Guthrie, de Lovr, de Gartgirth, de Balumbie, de Balthaiock.

9. Maij 1485.

In the Parliament haldin be K. James the 3. at Edinbrughe, 9. Maij, in Anno 1485, ver present of the Nobilitie,

EARLLS.

Angus, Atholl, Mortoune, Errol.

LORDS.

Erfkeine, Glames, Cathcart, Lyell, Fleming, Borthuick, Kennedie, Carleill, Stobhall.

Alexander Home de eodem, Mr. de Huntley, Vicecomes de Ayr, Vicecomes de Renfreu, Præceptor de Torphichen, Dominus Jacobus Ogilvey Miles, Robertus Colveill Miles, Robertus Douglas de Lochlevin, Jhoanes Haldin, Jacobus Home de Aytone.

GIFFART OF SHRIFFEHALL forfaulted.

Item. One Fryday the 26. Maij, *James Giffart* of Shriffehall, is forfaulted, *for* concurring and assisting *Alexander Duck of Albanie*, quha vent into Ingland be the King's live; *and* in all his Treasonabil Adoes; *and becaus* he helpit to relive the *Castell* of *Dumbar* to the Inglistmen.

29. Januarij 1487.

Item. One the 29. Januarij in Anno 1487, King James the 3. creatit hes Secund Son *Duck of Ross*, Marques of Ormond, Earll of Liddesdaill, nou callit Ardmanatur, Lord of Breicheine, and Nevar.

Not. 1. That sam Day, *Jhone Drummond of Cargill* ves creat *Barone* and *Lord of Parliament*, by the styll of *Lord Drummond*.

And *Robert Crichtone* ves creat *Lord Sanquhair*; and *Jhone Hay*, Lord Zester; and *Villiam Ruthven*, Lord Ruthven.

Not. 2. That *David Kennedie*, appeirand Aire of *Jhone Kennedie*, *Villiam Carleill*, Oye and appeirand Aire of *Jhone Lord Carleill*, and *Robert Cuninghame* of Polmais, ver all that sam Day knighted.

At this aforefaid Parliament the 29. Januarij in Anno 1487, ther ves present of the Nobilitie,

COMITES OF EARLLS.

Argyll Cancellarius, Angus, Marischall, Atholl, Mr. of Huntley, Mr. of Angus.

LORDS.

Maxuell, Fleming, Forbes, Bothuell, Borthuick, Kilmauers, Stobhall, Lindesay of Byres, Lyell, Kennedie, Oliphant, Dirleton, Sanquhair, Zester. Thir thrie last ver maid Lords in this present Parliament.

Viccomes de Air, Viccomes de Rénfreu, Viccomes de Edinbrughe, Viccomes de Perth, Viccomes de Striveling.

Dominus Jacobus Sandelands Miles, Dominus Jacobus Levingstone Miles, Dominus Simon Prestone de Craigemiller Miles, Oliverus Sinclair Miles, Dominus David Lindefay Miles, Dominus de Dundas, de Tulchad, de Erinchatome, de Blairquhan, de Auchenleck, de Cloburne, de Cockpule, de Innes, de Cefnock, de Amesfield, de Pourie, de Arbuthnet, de Lochinvar, de Cauers, de Rutherford, et de Balcluche. The afor said Parliament ves continued till the 5. Maij.

1. October 1487.

In the Parliament haldin be K. James the 3. on the 1. Octobris in Anno 1487, It ves continuat till the 13. of the said Munthe; and the Nobilmen after specifit ver present,

EARLLS.

Argyll Cancellarius, Angus, Atholl, Marischall, Mr. de Craufurd, Mr. de Mortoune.

LORDS.

Inermeithe, Haills, Glames, Oliphant, Maxuell, Lindefay de Byres, Grahame, Cathcart, Kilmauers, Borthuick, Settone, Forbes, Carleill, Stobhall, Dirletone, Zester, Sanquhar.

K

Dominus de Guthrie, Dominus Jacobus Levingstone, Dominus Villielmus Murray, Vicecomes de Aire, Vicecomes de Renfreu, Vicecomes de Perth, Vicecomes de Edinbrughe.

LAIRDS.

Dominus Jacobus Ogilvey, Dominus de Lochinvar, Dominus Jacobus Crighstone, Dominus Jacobus Sandilands, Dominus de Kerfe, de Craigmillar, Oliverus Sinclair Miles, Dominus de Vaughtone, de Auchenleck, de Restalrig, de Cloburne, de Capute, de Amisfield, de Camno, de Hattone, de Rutherfurde, de Balcluche, David Lindesay Miles.

REGNANTE JACOBO QUARTO.

PARL. 21. Januarij 1488.

I finde that ther sat of the Nobilitie in Parliament haldin be James the 4. the 21. Januarij Anno 1488.

EARLLS.

Angus, Marischall, Bothvell, Borthuick, Gray, Lindesay de Byres, Oliphant, Drummond, Grahame.

BARONS.

Henricus Sinclair de Dyfart Miles, Alexander Steuart de Evandaill, Patricius Home.

The aforfaid day, I find that *David Earll of Craufurd* is conveyit, and Decreit past agains him befor the *Lords Auditors* for the vrangous Occupatione of the Lands of the *Lordschippe of Brechein and Nevar*, since hes Gift and occupieing of them; *becaus* they ver disponit be King James the 2. of vorthie memorie, to hes Sonne *James Duck of Rosse*, of the daitt the 17. Junij 1455 Zeires, and the 19. Anno Regni Jacobi Secundi.

RESTAURATION of the EARLL of LENNOX and ROBERT LORD LYILL.

I finde ane Varrand is gine be the King's Majestie, to the Clerk of Register for the Tyme, shawing, That the Proces of Forfaultrie led and deducit agains *Jbone Earll of Lennox, Lord Darnley, and Matheu Steuart*, hes Sonne and appearand Aire, and agains *Robert Lord Lyill*, is found to stand to nae Availl, Force, or Effect; and Command is gine, to extract and delet, and put away the samen furth of all Buicks and Rigisters.

The BISCHOPRICK of GLASCO erectit in ane ARCHBISCHOPRICK.

Item. In the forsaid Parliament, haldin be K. James the 4. 26. Januarij in Anno 1488, *It is ordaynit*, That for the Honour of the Kingdom, that the Bischoprick of *Glasco* fall be erectit in ane *Archbischoprick*, and to hae als grate Liberties as the Archbischoprick of *Zorke*.

PARL. 5. October in Anno 1488.

Item. In the Parliament haldin be K. James the 4. upon Monan-
day the 5. October in Anno 1488, ver present of the Nobilitie,

1. Colinus Comes de Argyll, Dominus Campbell et Lorne, *Scotiæ Cancellarius.*
2. Patricius Dominus Hailis, *Mr. Hospitij.*
3. Robertus Dominus Lyill, *Justiciarius Generalis.*
4. Alexander Dominus Home, *Magnus Scotiæ Camerarius.*
5. Dominus Gulliel. Knoes, Præceptor de Torphichen, *Magnus Regis Thesaurarius.*

And in the secund Day of the Parliament, ther ver present,

Colin Earll of Argyll Chancellour, James Earll of Mortoune, Villiam Earll of Errol, Villiam Earl of Marischall, Archibald Earll of Angus, Jhone Earll of Lennox, George Earll of Rothes, Atholl, Buchan.

Mr. Hospitij, Dominus Hamiltone, Lyill *Justiciarius*, Glames, Gray, Oliphant, Alexander Home *Camerarius*, cum multis alijs.

8. Octob. 1488.

In the Parliament haldin be K. James the 4. at *Edinbrughe*, upon Thursday 8. Octob. 1488, ver present of the Nobilitie,

Colin Earll of Argyll, Lord Campbell and Lorne, Lord Chancel-
lour of Scotland.

Laurence Lord Oliphant, Jhone Lord Drummond, Robert Lord Lyill, Androu Lord Gray, Jhone Lord Glames.

In this Parliament ver forfaultit thaise Persones following, *viz.*

Jhone Lord Bothuell, Jhone Roffe of Montgremnane, Cudbert Murray of Cockpule, Jhone Murray of Tullibardine, Stephen Lockart of Glegorne, and James Homell.

James *Earll* of Buchan ves airt and pairt in this Treson, quhilk ves to hae brocht in the *Inglishmen* and ther King into *Scotland*; and hed sold the Countrie to the *Earll of Northumberland*, and to *Sir William Tilder*, as ther Proces shaues. Bot James *Earll* of Buchan purchasit a Remissioune; and the rest ver forfaulted, as said is.

Item. The 9. October, the *Lords Auditors*, Afternoone, decreits and decerns, That *Jhone Lord Kennedie*, and *Jhone of Montgomerie*, and *Michael McCloure* fall devoyde and rede the Lands of *Barbethie*: And also, That *Archibald Craufurd* of *Craufurdland*, fall devoyde and mak rede the Lands of *Boreland* to Janet Hamilton *Lady Gartgirth*, to be peceablie bruikit and upset be her.

Item. The 14. Octob. 1488, a Complaynt is gine into the Parliament and 3 Estaits, be *Archbald Earll of Angus*, agains ane Tenant of hes, namit *Alexander Lindefay*, faining that he ves in Vard quhen he receavit the said Alexander, Tenant to the Lands of *Balvaird*, and quhen he gave over the Rights he hed to *Erfiltoune*; quhilk being knauen be the King and 3 Estaits, it ves evident, That quatever he did in his auen Prejudice, in Tyme he ves in Vard, should not hurt nor be prejudicial to him; *becaus* he ves compelled to the samen, durand hes abode in Prison, for Drede.

15. October 1488.

Item. In the Parliament haldin be King James 4. at Edinbrughe, upon Thursday 15. Octobris Anno 1488, ther ver present of the Nobilitie,

Patrick Lord Hailles, Jhone Lord Glames, Jhone Lord Drummond, Robert Lord Lyill.

The forsaide Day, in face of Parliament, ves Patrick Lord Hailles maid and creatit be the King's most excellent Majestie, Earll of Bothuell, Lord Crichtone, and Hailles, &c.

Item. 17. Octobris, Anno aforsaide, the Parliament is continuit till the 14. Januar. 1489; and at it ther ves present of the Nobilitie,

Cancellarius, Comites Angus, Craufurd, Huntley, Erroll, Rothes, Lennox, Marischall, Mortoune, Bothuell.

The LORDS ver these:

Glames, Oliphant, Gray, Drummond, Maxuell, Settone, Erskeine, Montgomorie, Lyill, Kennedie, Abernethie, Kilmauers, Borthuick, Zester.

Alexander Home Camerarius, Patrick Home of Fastcastle, Dominus Evandaill, The Laird of Craigie, Lundie, Vester Viemyes, Restalrig, Vicecomes de Aire, Mr. Richard Laufone, and Barnebougall.

CASTLE CAMPBELL.

Item. The 3. Februar. Anno 1489, be Act of Parliament, *Castell Gloome*, pertainand to the *Earll of Argyll*, is callet *Castell Campbell*.

5. Feb. 1489.

In the Parliament haldin be K. James the 4. the 5. Feb. 1489, apud Edinburgum, ther ves present of the Nobilitie,

Dux de Montrois,—*Lords* of St. Jhone, Borthuick, Terregells, Ruthuen, Kennedie, Gray, cum alijs.

Anent the FORFAULTURE OF EARLL OF LENNOX, LORD LYILL, &c. and REWARD for thair PERSONNES.

The *Earll of Lennox*, and hes Sonne *Matheu*, vithe *Robert Lord Lyill*, quhich ver freed frae the Proces of Forfaultrie deducit agains them, and ane Varrand gine to *Mr. Richard Murbeid*, Clerk of Register, upone the 6. of Apryll, as said is, in Anno 1489, et Anno Regni Jacobi quarti secundo, *ordainand* him to put all suche Thing as suche a Proces furthe ovt of hes Bookes; and zet hes Majestie thairafter causit forfault them upone the sayd Minut and Proces; and causit mak Publicatione, and commandit, That na Personne sould resceat them, nother haunt the Cumpenie of the saids Rebels after specifyt, *viz. Jhone Earll of Lennox, Robert Lord Lyill, Villiam Lord Crigstone, and Matheu Steuart*, Sonne to the *Earll of Lennox*; and gif anie Man fall aid bringand anie of them, he fall hae 40 lib. vorthè of Land, or ane

thousand Merkes, and 20 lib. of Silver for takand anie Gentellman that is with them, and 10 lib. for a Yeoman.

Item. Upon the 15. Februarij 1489, the King's secund Bruther ves creatit *Duck of Rosse*, and his thridde Bruther creatit *Earll of Mar*.

Item. The 18. September therafter *David Lindefay Earll of Craufurd*, ves creatit *Duck of Montrois*, at Strivelin, in Anno 1489, be K. James the 4.

Item. Compeirit to the Parliament haldin at Edinbrughe, 6. Februarij in Anno 1491, amangst the rest of the Nobilitie, *Dominus Grahame* (and not *Comes de Montrois*), also *Herries*, *Terregells*, and *David Lyill*.

Item. The 28. Appryll 1491, be Parliament it is ordainit, That the Barone of Baltrado, vithe the Hous of Halkerstone, pertainand to the Lord *St. Jhone*, be callit in all tyme coming, the *Barony* and *Castel of St. Jhone*.

As also, the Baronie of *Gortoun*, be callit in all tyme coming, the Baronie of *Prestoun*, pertainand to *Sir Simeon of Prestoun*.

Not. That *Sir Jhone the Rosse* is at this Parliament only *Knight*; bot I finde him oftentimes befor, and callit *Dominus Halkbead*, bot not *Dominus Rosse de Halkbead*.

CREATION of LORD AIRLEY.

Item. The said 28. Apryll 1491, *Sir James Ogilvie of Airlie* is creat *Barrone*, and *Lord of Parliament*, and to be styllit in all time cuming, *Lord Ogilvey of Airlie*.

Item. The 18. Maij in Anno 1491, the said *Sir James Ogilvey* is sent Ambassadour to *Denmark*, and with him ane Clerik, and *Rothsay*, Herald, in their most honourable Forme, for renewing the Friendschipe and Confederat Amity and Love betwix the 2 Kings, and for the Veill of the *Merchantes*.

DECREIT agains Sir JAMES LEVINGSTONE, Knight.

Item. One the 3. Junij in Anno 1491, ther is ane Decreit of Failzie pronuncit in Favours of *Jbone Neumathe*, *Jbone Chalmer*, *Vter Paterfon*, and *David Gray*, Tenants of the Lands of *Vester Zubithurne*, agains *James Levingstone*, Knight, and *Villiame Shau* of Polkemet. Sua it appears he is not *Lord Levingstone*, at this tyme; nother do I finde him compearand in any Parliament befor, amongst the Nobilitie.

DECREIT agains the DUCK of MONTROIS.

Item. One the 10. Julij 1491, the *Lords Auditors* decerns and ordains, be ther Decreit and Sentence, *David Duck* of Montrois, to content and paye to *Jbone Ker*, for the *Teyndes* of *Easter Loure*, ane hundredrethe Merkes.

As also, the Lords ordains *Jbone Dominus Hay* de *Zester*, Vicecomes de Peebells, to put the Letters directit to him, at the instance of *Sir James Crichtone* of the *Carneys*, agains *Thomas Middelmist*, for the Sume of 27 Marks and ane half, to due Executione; quhilk if he does not, Letters fall be direct, for distrainzieing the said *Jbone Lord Zester*, Vicecomes de Peebells, therfor.

DECREIT agains the DUCK of MONTROIS.

Item. One the 10. Day Junij in Anno 1493, *David Montis Rosarum Dux*, per Dominorum Decretum ordinatus est, solvere 20 Mer-
cas Annualis Stipendij *Jhoani Ker*, propter *Decimas de Esser Loure*.

DECREIT for the sngle AVAILL of the MARRIAGE.

Item. In October 1494, I find that the *Lords Auditors* decernis and ordainis *Jbone* of Teruat, of that Ilk, to content and pay to *Elizabeth Countesse of Ross*, the Soume of 430 Merkes, vñall Moneye of Scotland, as for the sngle availl of hes Marriage; and *because* he vald not marrie in *Hallie Kirk*, with *Isobelle Fleming*, Sister to the *Lord Fleming*; and if the said *Jbone* fall marrie, vithout Advysse of the said *Countesse*, he fall paye the double Avail.

DECREIT agains Sir JAMES LEVINGSTONE, of that Ilk.

Item. One the 15. of October in Anno 1494, the *Lords Auditors* decernis and ordainis, That Sir *James Levingstone*, of that Ilk, fall content and paye to Robert Callandar of Dourater, the Soume of 6. Merkes, 6 sh. and 8 d. vñal Moneye of Scotland, for the Terme of Mertimas last by past; and the Soume of 33 Merks, 6 sh. and 8 d. of the same Money, at the Terme of Witsunday last bypast, in Part of Payment of ane greater Soume, aughtand to him be the said Sir James, as hes said Obligatione shauen, and producit befor the said Lords of Parliament, at mair Length bears.

27. October 1474.

Item. The 27. of October, in Anno forsaide, the Summonses raisit at the Instance of the *Lord Rosse*, agains *Jbone of Auchinleck*, is continuēt to the 12. Day of November, next ensueing.

Item. The said Daye, *Decreit* is pronouncit, That *Jbone Lord Kennedy* fall content and paye to *Mr. Jbone Auchinleck*, the Soume of 142 lib. vsvall Moneye of Scotland.

Item. The 16. December, in Anno forsaide, I finde that the *Lords Auditors* decreit, That Doule Mat Gille Callim, fall content, pay, and deliver, to *Heu Lord Frazer of Lovat*, 400 Kyie, Price of the Pice 20 sh. — 36 Horf. Pryce of the Pice 26 sh. 8 d. — 900 Sheipe and Gait, Pryce of the Pice 2 sh. and for certayne Gires, Insight and Plenishing of Housfald, 15 sh. viche ver spoliziet and taen fra the said *Lord Heu*, and hes Tenants, out of the Lands of Edde and Ester Frouay, be the said *Doualle*, as ves sufficientlie provene befor the saids Lords.

Item. One the 21. Day of December, in Anno 1494. *Jbone Lindsay, Mr. of Craufurd*, protestit befor the *Lords Auditors*, That he ves reddie to answer the Summons raisit at the Instance of *David Duck of Montrois* agains him.

Item. Upon the 20. Day of October in Anno 1498, the *Lords Auditors*, decreits aud decernis, That *Jbone Lord Maxuell*, Sonne and Aire of Umquhill *Jbone Lord Maxuell* hes Father, fall content and paye to *Jbone of Carmichell* of Midowflat, 13 Oxen, Pryce of the Pice 30 sh.; and ane Kou, Pryce 24 sh. quhilks ver recoverit be ane *Decreit* of the Lords befor, in favours of the said *Jbone Carmichell*.

The EARLL of ANGUS maid MAISTER of the HOUSALD.

Item. The penult of October, in Anno 1495, *Archbald Comes de Angus*, is Maister Housald to the King's Majestie, and obtains be-
for the Lords ane Protestatione agains the *Convent of Scone*.

Item. In the Parliament haldin be K. James 4. in Anno 1498, 16. Januarij, at Edinbrughe, *it is declared*, That *Sir Henry Sinclair*, quha is acknowledgit *be the saids Lords of Parliament*, to be Aire to (*Sir Henry Lord Sinclair*) the chief of the name of *Sinclair*, and to be callit, hes Airs and Successors, in all tyme coming *Lord Sinclair*.

3. Februarij 1505.

Item. In the Parliament haldin be K. James the 4. at Edinbrughe, on Tuesday the 3. Februarij in Anno 1505, ther ves of the Nobilitie present,

EARLLS.

Huntley, Argyll, Mortoune, Craufurd, Lennox, Montrois, Glencairne.

And of the LORDS ther ver present,

Home, Montgomerie, Lindefay of Byres, Ogilvey, Sinclair, Avain-
dajll, St. Jhone, Sempill, Maxuell, Terregills.

LAIRDS.

Oliver Sinclair Laird of Rosline, the Laird of Restalrigge, Laird of Amisfield, et Vicecomes de Air.

Item. In this Parliament forsaide, is forfaultit *Torguils MacCloide* of the *Leues*, for assistin *Donald* of the *Iylls*, Bastard Sonne to Umquhill Angus hes Faither, quho ves Bastard also to Umquhill *Jbone* Lord of the *Iylls*, and for not delivering to our Sovereine Lord and hes Justice, *Lachlane Macblane of Douart*, quhem he hed taiken, be Command and Direction of the King's Grace, hes Majestie's Letters; and for taking and vithhalding frae the Messenger (namit Kilpatrick in) the saids Letters raisit agains him the 27. day of October last.

16. Februarij 1505.

In the Parliament haldin at Edinbrughe, 16. Februarij in Anno 1505, ther ver present of the Nobilitie,

EARLLS.

Huntley, Argyll, Bothuell, Cathnes.

LORDS.

Home, Sempill, Lindefay, Sinclair, Ogilvie, Patrick Home of Fast-castle, and Villiame Scot of Balveirie.

The BARONIE of ERSILTON defolvit frae the CROUNE.

Item. In the said Parliament, *hes Majestie*, vithe Consent of the thrie Estaits, *relaxes* and *dissolves* frae the Annexation, the *Earldome* of *Merche*, in sua far as the *Baronie* of *Ersilintone* extends to, and of that Pairt of the said Earldome, that hes Hienes may dispone als freele upone, as he might hae done befor the Annexatione.

As also, Hes Majestie, vithe Consent aforesaid, *ratifies* and *approves* the *Creations* and *making* of *Barrones* neu maid vithin hes Earldome of *Stratherne*, vithin thir thrie Zeires last bypast, and *relaxes* the saids Barrones, and Lands annexit to them, fra all Service, befor the Dait heiroy, in our said Sovereine Lord's *Steuart Courts* of the said Earldome of *Stratherne*; and vills that the said Service be maid in the *Shriffe Courts* of *Pertbe*, in all tymes coming: And *also*, *grantis* and vills, that hes Hienes be free; and it fall be laful to him to creat anie uther Barrone vithin the said Earldome of neu, for Service to be maid in hes said Shriffe Courts of *Pertbe*; and *dissolves* and *relaxis* the Annexatione maid of the said Earldome in that case, in all tyme coming: *As also*, *ordains*, That the Lands of *Tullieallan*, vith Fruites and Pertinents thairof, be of new put again to the *Earldome* of *Stratherne*, as it ves befor the Unione maid thereof to the *Shriffedome* of *Striveling*.

And also, vith Consent forsaid, gives and grants to hes trustie Cusing and Counfellar, *Alexander Lord Home*, *Chamerlaine* of Scotland, the Deamene of *Cocksburnespath*, containand fra the *Brae-beid* to the *Barn-fute*. Jacen, intra Comitatum de *Merche* et Vicecomitatum de *Bervick*.

13. Martij 1505.

In the Parliament haldin be King James the 4. at Edinbrughe, 13. Martij in Anno 1505, ver present of the Nobilitie,

EARLLS.

Huntley, Argyll, Bothville, Mortoune, Lennox, Marischall, Arran.

LORDS.

Home, Gray, Drummond, Borthvicke, Mountgomerie, Avendail, Sempell, Forbace, Oliphant, Ruthven.

LAIRDS.

Rosse of Halkheid, vith the Sir Jhone Ramsay, Sir Villiame Scott, and divers vthers Nobills and Gentlemen.

Item. In this Parliament, Lauchlane Macklane of Douart, is forfaitit, for assisting Donald, Bastard to Jhone Lord of the Iylls, in all hes Adoes; and chiefly, vsurping the Tytell of Lord of the Iylls.

Also, Elvin Allansone is forfaited for the samen Cause, and for taking hes Majestie's Letter frae the Messenger, and putting him in Prisone.

Item. The 21. of Merche, therafter mentionat, fate in Judgement as Lords Auditors of Causes vithin the Toune of Edinbrughe, viz.

Villame Bifchope of Aberdeine,
 Androu Bifchope of Murray,
 Jhone Bifchope of Rolfe,
 David Bifchope of Lefmoir,
 Mathou Earll of Lennox,
 Heu Earll of Montgomerie.

Also, In the Actione and Caufe perfuit agains *Neill Steuart of Frafgell*, decreit is pronouncit for the Forfault of 500 Merks, that *Alexan-Earll of Huntley*, let to him in Pledge. There Lachlan Maclane, quho ves taken for the Burning of Donald Ochrye hes Vyffe, and Bairns, in Glenalmond, the Earll undertaks to fend hes Majestie's Letters to Donald Alanfone, and to Mackenveine: And the *Earll of Argyll* undertakes to fend Letters to *Macheare* and to *Maclean*: And the *Bifchope of Rolfe* taks in hand to fend his Majestie's letters saif to *Maccloyd*.

Item. The 27. Merche in Anno 1505, Gavine Levingstone of that Ilk, perfues James Douglas of Auldvald; fua be all Appeirins he is not *Lord Levingstone* at this tyme.

18. November 1505.

In the Parliament haldin be K. James the 4. one the 18. Novembris in Anno 1505, at Edinbrughe, ther ver present of the Nobilitie,

EARLLS.

Huntley, Argyll, Bothuell, Lennox, Glencairne.

LORDS.

Gray and Borthevicke.

Item. I find that *Jhone* Mr. of *Montgomerie* is summonit to underlay the Lau and Censur of Tressone, for the vounding of *Villiam* Cunningham of Craigains.

Item. In the penult of October in Anno 1505, *Jhone* *Lindesay* of *Vauchope* ves forfaultit for the cruel Slaughter of one *Bartbolemu Glendinning*, Messenger, and *Simon* hes Brother, quha ver poynding the Lands, on 3 Pairts of the Lands, at the Instance of *Margarett* Umquhill Spouse to *Jhone* hes Faither.

Not. That this Extract out of the Bookes of Parliament of James the I. II. III. and IV. comes to the Zeir of Christ's Incarnatione 1505, 30. Octobris.

The following Certificate respecting the Rolls of Parliament, was produced in the grand Question betwixt the Earls of Sutherland and Craufurd, touching their Precedency. This Question was agitated about the Beginning of this Century; and as it is connected with the Subject of the foregoing Pages, it is humbly submitted to the Public.

**CERTIFICATE by the LORD CLERK REGISTER, concerning the
ROLLS of PARLIAMENT.**

At Edinburgh, the 27th Day of December 1705. I Sir James Murray of Philiphaugh, one of the Senators of the College of Justice, Clerk to her Majesty's Councils, Registers, and Rolls, do hereby testify and declare, That in the Records of the following Parliaments of King James III. King James IV. King James V. Queen Mary, King James VI. King Charles I. and King Charles II. and in the Rolls of the Members present in the said several Parliaments, written and contained in the said Records, the Earls and other Members after named, are set down on the several Days after mentioned, in the following Order. *vis.*

1469. Huntley <i>Cancell.</i> Nov. 21. Marr Athol Crawfurd Orchadiae Angus Monteith Mortoun Erröll Marischal Argile Roths	Argile Roths	1479. Huntley Oct. 4. Athol Buchan Errol Marischal Mortoun
1471. Comitibus de Mar Pr. May 6. Comitibus de Ross Pror. Monteith Huntly Argile Angus Crawfurd Errol Marischal Roths	1476. Marr July 1. Athol Argile Monteith Huntley Roths Crawfurd Marischal Errol	1481. Angus Mar. 18. Athol Buchan Errol Mortoun
Aug. 2. Do. Avendale <i>Cancell.</i> Comites de Monteith Crawfurd Argile	1478. <i>Cancellarius</i> April 6. Angus Argile Marischal Buchan June 1. Angus Roths Nov. 20. Angus Marischal	1482. Huntley Dec. 2. Angus Athol Buchan Crawfurd Errol Mortoun
Jan. 20. <i>Cancellarius</i> Errol Marischal Huntley Crawfurd Mortoun	1479. Marr Mar. 1. Athol Angus Crawfurd Buchan Argile Monteith Mortoun Roths Errol Marischal	1483. Argile <i>Cancell.</i> Feb. 25. Angus Errol Marischal Mortoun Pror. for Crawfurd
		1484. Do. <i>Cancellarius</i> May 18. Crawfurd Huntley Angus Marischal Mortoun Athol

Mar. 22. Huntley Errol Marischal Athol	Marischal Errol Angus	Murray Eglington Caffils Montrose Roths
1485. Angus May 10. Errol Athol Mortoun	1491. Cancellarius May 2. Huntley Bothwel Errol Marischal Athol Buchan Roths	Feb. 23. Angus Arran Argile Lennox Murray Crawfurd Eglington Glencairn Mortoun Roths Caffils
1487. Cancellarius Oct. 13. Angus Athol Errol Marischal	Feb. 7. Cancellarius Huntley Bothwel Angus Mortoun Errol Marischal	1525. Angus July 10. Arran Argile Mortoun Lennox Glencairn Montrose Caffils Monteith Roths
1488. Argile Cancellarius. Jan. 29. Angus Marischal Athol	1503. Huntley Mar. 13. Argile Crawfurd Mortoun Bothwel Marischal Lennox Arran	1526. Angus June 13. Argile Lennox Mortoun Glencairn Montrose Buchan
1488. Argile Cancellarius. Oct. 7. Angus Huntley Mortoun Errol Marischal Lennox Roths Athol Buchan	18. Huntley Argile Bothwel Mortoun Lennox Marischal Arran	Nov. 15. Angus Arran Huntley Bothwell Murray Mortoun Eglington Montrose Roths
1489. Do. Cancellarius Feb. 4. Dux de Montrose (To which title and dignity David Earl of Crawfurd was advanced on the 18th of Sep- tember 1489, as ap- pears by the records of parliament at that time.) Huntley Errol Bothwel Marischal Mortoun	1505. Huntley Feb. 3. Argile Mortoun Crawfurd Lennox Montrose Glencairn	1527. Angus May 10. Huntley Mortoun Caffils
In the records of King James IV.'s parlia- ments in the years 1490. Argile Cancellarius 1491. Bothwel 1492. Dux Montrose	16. Huntley Argile Bothwel Caithness 1524. Arran Nov. 16. Argile	1528. Arran

1528. Argile Sept. 3. Murray Bothwel Roths Eglington Marischal Athol Buchan	Marischal Roths Caffils Athol Monteith Errol	Marischal Glencairn Caffils
1531. Huntley Apr. 26. Argile Bothwel Lennox Marischal Murray Eglington Roths	1542. Huntley Mar. 13. Murray Montrose Errol Marischal Roths Mortoun. Crawfurd Caffils Caithness Glencairn	Aug. 14. Huntley Cancell. Angus Argile Bothwel Glencairn Caffils Mortoun
1532. Huntley May 17. Argile Murray Lennox Montrose Roths Crawfurd Athol	1543. Huntley Dec. 4. Murray Argile Bothwell Montrose Crawfurd Monteith Caithness Sutherland	1558. Huntley Cancell. Nov. 29. Argile Bothwel Crawfurd Errol Marischal Eglington Glencairn Monteith Montrose Mortoun Sutherland Athol by a Pror.
1535. Huntley June 10. Argile Arran Murray Montrose Marischal Roths Athol Crawfurd Caffils	1544. Roths Nov. 7. Crawfurd	1567. Argile Apr. 16. Crawfurd Bothwel Caffils Mortoun Errol Caithness Roths Sutherland Eglington
1540. Huntley Dec. 10. Arran Argile Montrose Errol Marischal Roths Athol Monteith Caffils	1545. Angus Oct. 1. Huntley Argile Bothwel Marischal Glencairn Montrose Caffils Caithness Monteith	19. Huntley Cancell. Argile Bothwell Crawfurd Errol Caffils Mortoun Marischal Roths Eglington Sutherland Caithness
Mar. 14. Huntley Argile Arran Montrose	1546. Huntley Cancell. July 30. Angus Bothwel Caffils Caithness	1579. Mortoun Oct. 23. Angus Argile Cancell.
	Aug. 4. Angus Huntley Cancell. Argile Bothwel	

Athol Lennox Errol Marr Montrose Eglington Roths	Mortonn Murray	1621. Angus July 25. Errol by a Pro. Aug. 4. Marischal by a Pro.
1579. Mortoun Nov. 10. Angus Argile <i>Cancell.</i> Athol Lennox Montrose Marr Eglington Roths Buchan	May 23. Huntley Arran Crawfurd Bothwel Montrose Athol Eglington Glencairn Roths Mortoun Murray	Marr Roths Mortoun Monteith Eglington Buchan Nithsdale Wintoun Linlithgow by a Pro.
1581. Huntley Oct. 30. Argile <i>Cancell.</i> Arran Athol Crawfurd Glencairn Orkney Montrose Gowry Mortoun Roths Sutherland	1584. Arran <i>Cancell.</i> Aug. 22. Huntley Crawfurd Montrose Roths Mortoun Sutherland Caithness Murray	<i>Ditto</i> Perth 1621. Wigtoun July 25. Kinghorn Aug. 4. Abercorn Lothian Dumfermling Tullibairdin, &c.
Nov. 28. Huntley Argile <i>Cancell.</i> Arran Athol Crawfurd Montrose Eglington Mortoun Gowry Roths Sutherland	1585. Huntley Dec. 4. Athol Errol Mortoun	1633. Argile June 20. Errol Marischal Sutherland Marr Buchan Roths Eglington Cassils Glencairn Murray Nithsdale Wintoun Linlithgow Perth Dumfermling Wigtoun, &c. <i>Many of whom, and amongst the rest Sutherland, are com- paring by their pro- curators.</i>
1584. Arran May 19. Crawfurd Bothwel Montrose Athol Errol Marischal Eglington Roths	10. Huntley Athol Errol Bothwel Mortoun <i>On this day the Earl of Errol protested to have vote as Constable before Bothwel as Ad- miral.</i> 1587. Angus July 13. Huntley Crawfurd Marischal Montrose Marr Gowry	1661. Crawfurd Lindefay Jan. 1. Errol Marischal Sutherland Marr Roths Mortoun Buchan Eglington
	1617. <i>Montrose is in the June 17. rolls before Egling- and 28. toun.</i>	

Caffils
Caithness
Murray
Athol
Nithsdale

Wintoun
Linlithgow
Hume
Wigtoun, &c.

*In the parliament
1661, Sutherland pro-
tested for his prece-
dency.*

And also, I hereby declare, That the Earls and other Members after named, who were, on the several days after specified, chosen for the Articles and Commissions appointed by Parliament, and who are marked present in the Sederunts on the particular Days underwritten of the Lords Auditors, &c. are set down in the Records of Parliament in the order following, viz.

1471. <i>Of the persons who May 6. at continuing the par- liament, are appoint- ed to have full power and strength of the baill three estates.</i>	Angus Orchadiæ Mortoun Errol Marischal	Marischal Mortoun Bothwel
Huntley Crawfurd Argile Monteith Marischal Errol	1487. <i>Of those to whom Jan. 29. the baill power of the body of the parlia- ment is committed,</i>	1489. <i>Of the Commission Feb. 15. for auditing accounts, Duke of Montrose Earl of Huntley Lord Chancellor</i>
1476. <i>Of these to whom July 10. full power is commit- ted by the whole body of the parliament, to treat on the matter of the ambassadour sent out of the country, &c.</i>	Chancellour Crawfurd Angus Athol Mortoun Errol Marischal	1489. <i>Commission of se- Feb. 15. cret Council, Huntley Lennox Errol Marischal</i>
Marr Huntley Athol Angus Argile Crawfurd Mortoun Marischal	1488. <i>Articles. Oct. 7. Cancellarius Angus Huntley Errol Do. Hailles Magister Hospitii Lennox</i>	1491. <i>In a sederunt of the Feb. 14. Lords Auditors, &c. Chancellour Bothwell Angus</i>
1482. <i>Articles. Mar. 1. Crawfurd Huntley Argile</i>	17. <i>Of these to whom the baill power of the body of the parlia- ment is committed, Chancellour Angus Crawfurd Huntley Errol Rothes Lennox</i>	Apr. 28. <i>Of these appointed to have full power of parliament, to treat concerning the King's marriage, &c. Chancellour Bothwel Errol Marischal Mortoun</i>
1483. <i>Of these that the Oct. 6. power of the parlia- ment is committed to. Crawfurd</i>		Feb. 20. <i>Of those to whom is committed full power of parliament, &c.. Chancellour</i>

Bothwel Angus Marischal Errol	1524. <i>Domini electi ad causas</i> Nov. 16. Caffils Roths Montrose	1542. <i>Articles.</i> Mar. 13. Huntley Murray Marischal Glencairn Caffils Montrose
1495. <i>Of these chosen by</i> Oct. 14. <i>the King's Highness</i> <i>to the Session,</i> Bothwel Argile	1525. <i>Articles.</i> July 10. Angus Arran Argile Mortoun Lennox Murray Caffils	1546. <i>Articles.</i> Aug. 14. <i>Huntley Cancell.</i> Angus Argile Mortoun Bothwel Glencairn Caffils
Oct. 17. <i>A sederunt of the</i> <i>Lords of Council mark-</i> <i>ed in the Records of</i> <i>Parliament, has all the</i> <i>Members present at the</i> <i>beginning of the sede-</i> <i>runt, and in the mid-</i> <i>dle of it, after record-</i> <i>ing some decreets, are</i> <i>written thir words,</i> <i>HIC INTRAVER-</i> <i>UNT Archiepiscopus</i> <i>Sancti Andree, &c.</i> <i>which method is ob-</i> <i>served in many other</i> <i>sederunts of the said</i> <i>Lords.</i>	27. <i>A sederunt of the</i> <i>Lords Auditors.</i> Argile Lennox Mortoun Montrose	1558. <i>Articles.</i> Nov. 29. Lord Duke Huntley Cancell. Argile Crawfurd Montrose Bothwel Sutherland Glencairn Mortoun
19. <i>Another sederunt of</i> <i>the said Lords,</i> Argile Bothwel	1526. <i>Another sederunt</i> June 21. <i>of the Lords Auditors</i> &c. Angus Arran Argile Lennox Mortoun Glencairn	1567. <i>Articles.</i> Apr. 16. Argile Bothwel Crawfurd Mortoun Caffils Marischal
22. <i>Another of their se-</i> <i>derunts, HIC RE-</i> <i>CESSERUNT</i> Bothwel Buchan Errol Athol	1531. <i>Articles.</i> Apr. 26. Argile Murray Bothwell Eglingtoun	1579. <i>Articles.</i> Oct. 23. Mortoun Argile Chancellour Lennox Montrose Roths Eglingtoun
1495. <i>Another sederunt of</i> Nov. 6. <i>the said Lords</i> <i>The King being pre-</i> <i>sent</i> <i>The Duke of Rois</i> <i>Then the Clergy</i> <i>After them the Chan.</i> <i>Then Argile</i> Buchan Mortoun	1535. <i>Articles.</i> June 10. Murray Huntley Arran Argile Montrose Eglingtoun Roths	1581. <i>Articles.</i> Oct. 30. <i>Roths is before Mor-</i> <i>toun</i>
	12. <i>Articles.</i> Huntley Murray Argile Montrose Roths	1592. <i>Articles.</i> May 29. Angus Marischal Glencairn

Montrose Marr	Marr Marischal	Marischal Marr Linlithgow
1593. <i>Articles.</i> July 16. Mortoun Marr	1600. <i>Articles.</i> Nov. 11. Duke of Lennox Errol Marischal Marr	1609. <i>Articles.</i> June 17. Argile Marr Glencairn Wigtoun Montrose Kinghorn
1594. <i>Articles.</i> May 30. Duke of Lennox. Lord Hamilton Montrose	1604. <i>Articles.</i> Apr. 26. Errol	

All which are collected and extracted forth of the Records of Parliament by me

J.A. MURRAY. Cls. Reg.

APPENDIX.

No. I.

A LETTER from the **NOBILITY, BARONS, and COMMONS** of
SCOTLAND, in the **YEAR 1320**, yet extant, under all the **SEALS**
of the **NOBILITY**,

Directed to

POPE JOHN.

Wherein they declare their firm Resolutions, to adhere to their King
Robert the Bruce, as the Restorer of the Safety, and Liberties of
the People, and as having the true Right of *Succession*: But
withall, they notwithstanding declare, That if the King should
offer to subvert their *Civil Liberties*, they will disown him as
an *Enemy*, and choose another to be King, for their own
Defence.

Translated from the Original in Latin, as it is insert in
Sir George M'Kenzie's Observations, &c. on Precedency,
Page 20. ; a *Fac Simile* whereof is engraved in Mr. James
Anderson's *Diplomata Scotiæ*, Cart. LI.

To our most Holy Father in Christ, and our Lord, *John*, by the
Divine Providence, chief Bishop of the most *holy* Roman, and uni-
versal Church, your humble and devoted Sons, *Duncan Earll of Fyfe*,

N.

Thomas Randolph Earll of *Murray*, Lord of *Mannia*, and *Annan-daill*, *Patrick de Dunbar*, Earll of *March*, *Malisius* Earll of *Strathern*, *Malcolm* Earll of *Lennox*, *William* Earll of *Ross*, *Magnus* Earll of *Caithness* and *Orkney*, *William* Earll of *Sutherland*, *Walter* Steuard of *Scotland*, *William de Soules* *Buttelarius* of *Scotland*, *James* Lord of *Douglas*, *Roger de Moubray*, *David* Lord of *Brechin*, *David de Grabame*, *Ingelramus de Umfraville*, *John de Monteith* Warden of the County of *Monteith*, *Alexander Fraser*, *Gilbert de Hay*, *Constable* of *Scotland*, *Robert de Keith*, *Marischall* of *Scotland*, *Henry de Sancto Claro*, *John de Graham*, *David de Lyndsay*, *William Oliphant*, *Patrick de Graham*, *John de Fenton*, *William de Abernethie*, *David de Wemys*, *William de Monte-fixo*, *Fergus de Ardrossan*, *Eustachius de Maxuell*, *William de Ramsay*, *William de Monte-alto*, *Allan de Murray*, *Donald Campbell*, *John Camburn*, *Reginald le Chene*, *Alexander de Seton*, *Andreu de Lescelyne*, and *Alexander de Straton*, and the rest of the Barons and Freeholders, and whole Community, or Commons of the Kingdom of *Scotland*, send all manner of filial Reverence, with devout Kisses of your blessed and happy Feet.

Most holy *Father* and *Lord*, we know, and gather from ancient Acts and Records, that in every famous Nation, this of *Scotland* hath been celebrated with many Praises: This *Nation* having come from *Scythia* the Greater, through the *Tuscan* Sea, and by *Hercules's* Pillars; and having, for many ages, taken its residence in *Spain*, in the midst of a most fierce people, could never be brought in subjection by any people, how barbarous soever; and having removed from these parts above 1200 years after the coming of the *Israelites* out of *Egypt*, did, by many Victories and much Toil, obtain these Parts in the West, which they still possess, having expelled the *Britons*, and entirely routed out the *Picts*, notwithstanding of the frequent Assaults and Invasions they met with from the *Norwegians*, *Danes*, and *English*; and these Parts and Possessions they have always retained

free from all manner of Servitude and Subjection, as ancient Histories do witness.

This *Kingdom* hath been governed by an uninterrupted succession of 113 Kings, all of our own native and royal Stock, without the intervening of any Stranger. The true Nobility, and Merits of those *Princes* and *People*, are very remarkable, from this one Consideration, (tho' there were no other Evidence for it). That the *KING of KINGS* the *Lord Jesus Christ*, after his Passion, and Resurrection, honoured them, as it were the first (though living in the utmost Ends of the Earth) with a *Call* to his most *holy Faith*: Neither would our *Saviour* have them confirmed in the *CHRISTIAN FAITH* by any other Instrument than his own first Apostle, (though in order the second or third) St. *Andrew*, the most worthy Brother of the blessed *Peter*, whom he would always have to be over us, as our Patron or Protector.

Upon the weighty Consideration of these Things, our most holy *Fathers*, your Predecessors, did, with many great and singular Favours and Privileges, fence and secure this *Kingdom* and *People*, as being the peculiar Charge, and Care of the Brother of St. *Peter*; so that our Nation hath hitherto lived in Freedom and Quietness, under their Protection, till the magnificent *King Edward*, Father to the present *King of England*, did, under the Colour of *Friendship* and *Alliance*, or *Confederacy*, with innumerable Oppressions infect us, who minded no Fraud or Deceit, at a time when we were without a *King* or *Head*, and when the People were unacquainted with Wars and Invasions.

It is impossible for any, whose own Experience hath not informed him, to describe, or fully to understand, the Injuries, Blood, and Violence, the Depredations and Fire, the Imprisonment of *Prelates*, the Burnings, Slaughters, and Robberys committed upon holy Per-

sons and religious Houses, and a vast multitude of other Barbarities, which that *King* executed on this People, without sparing of any Sex, or Age, Religion, or Order of Men whatsoever.

But at length it pleased God, who only can heal after Wounds, to restore us to Liberty, from these innumerable Calamitys, by our most *Serene Prince, King, and Lord, Robert*, who for the delivering of his People, and his own rightful inheritance from the Enemy's hands, did, like another *Josua* or *Maccabeus*, most cheerfully undergo all manner of Toil, Fatigue, Hardship, and Hazard. The Divine Providence, the Right of *Succession* by the Laws and Customs of the Kingdom (which we will defend till Death), and the due and lawful Consent, and Assent of all the People, made him our *King* and *Prince*. To him we are *obliged*, and *resolved to adhere*, in all things, both upon account of his Right, and his own Merit, as being the Person who hath restored the People's safety, in Defence of their Libertys. *But after all*, if this *Prince* shall leave these Principles he hath so nobly pursued, and *consent* that *we* or our Kingdom *be subjected* to the King or People of *England*, *we will* immediately endeavour to *expell him*, as our *Enemy*, and as the *Subverter*, both of his own and our Rights, and will make another *King*, who will *defend* our *Liberties*: For so long as there shall but *one Hundred of us remain alive*, we will never give Consent to subject ourselves to the *Dominion* of the *English*. For it is not *Glory*, it is not *Riches*, neither is it *Honour*, but it is *Liberty* alone that we *fight* and *contend for*, which no honest Man will lose, but with his Life.

For these Reasons, *Most Reverend Father* and *Lord*, we do, with most earnest Prayers, from our bended Knees and Hearts, beg and entreat your *Holiness*, that you may be pleased, with a sincere and cordial Piety, to consider, that with *Him* whose Vicar on Earth you are, there is no respect nor distinction of *Jew*, nor *Greek*, *Scots*, nor

English; and that, with a tender and Fatherly Eye, you may look upon the Calamities and Straits brought upon us and the Church of God, by the English; and that you may admonish and exhort the *King of England*, (who may well rest satisfied with his own Possessions, since that *Kingdom* of old used to be sufficient for *Seven*, or more *Kings*) to suffer us to live at Peace, in that narrow Spot of *Scotland*, beyond which we have no Habitation, since we desire nothing but our own; and we, on our part, as far as we are able, with respect to our own Condition, shall effectually agree to him in every thing that may procure our Quiet.

It is your Concernment, *Most Holy Father*, to interpose in this, when you see how far the Violence and Barbarity of the Pagans is let loose to rage against Christendom, for punishing the Sins of the Christians; and how much they daily inroach upon the Christian Territories. And it is your Interest to notice, that there be no Ground given for reflecting on your Memory, if you should suffer any Part of the Church to come under a Scandal or Eclipse (which we pray God may prevent) during your Time.

Let it therefore please your *Holiness*, to exhort the *Christian Princes* not to make the *Wars* betwixt them and their Neighbours, a *Pretext* for not going to the Relief of the *Holy Land*, since that is not the true Cause of the Impediment: The truer Ground of it is, That they have a much nearer Prospect of Advantage, and far less Opposition, in the subduing of their weaker Neighbours. And God (who is ignorant of nothing) knows with how much Cheerfulness both our *King* and *we* would go thither, if the *King of England* would leave us in peace; and we do hereby testify and declare it to the *Vicar of Christ*, and to all Christendom.

But, if your *Holinefs* shall be too credulous of the *English Mifrepresentations*, and not give firm Credit to what we have said, nor *desist to favour the English* to our Destruction; we must believe, that the *Most High* will lay to your Charge all the Blood, Loss of Souls, and other Calamities that shall follow on either hand, betwixt us and them.

Your *Holinefs*, in granting our just Desires, will oblige us, in every Case, where our Duty shall require it, to endeavour your Satisfaction, as becomes the obedient Sons of the *Vicar of Christ*.

We commit the Defence of our Cause to him, who is the Sovereign *King and Judge*; we cast the Burden of our Cares upon him, and hope for such an Issue as may give Strength and Courage to us, and bring our Enemies to nothing. The *Most High God* long preserve your *Serenity and Holinefs* to his *boly Church*. Given at the Monastery of *Aberbrothock* in *Scotland*, the Sixth Day of *April*, in the Year of *Grace* M,CCC,XX. and of our said *King's* Reign the XV. Year.

No. II.

COPY of the ORIGINAL or FOUNDATION CHARTER of the PRINCIPALITY of SCOTLAND.

ROBERTUS Dei Gratia, Rex Scotorum &c. Sciatis, quod concessimus charissimo Filio nostro, et Hæredi, *Jacobo Senescallo Scotiæ*, quod habeat, teneat et possideat, *pro toto tempore vitæ suæ*, Omnes et singulas Terras suas Senescalliæ Scotiæ, viz. Baroniam de *Renfreu*, cum Pertinentijs suis; Baroniam de *Cuninghame*, cum Pertinentijs suis; Baroniam de *Kyle* Senescalli, cum justis suis Pertinentijs, jacen. intra Vicecomitatum de *Air*, Baroniam de *Rathou*, cum suis pertinenten.; Baronia de *Inerveick*, cum suis Pertinen. jacen. intra Vicecomitatum de *Edinburgh*; *totas et integras* Terras Insularum de *Bute*, *Arran*, *Comrey* Majoris et Minoris; *totas et integras* Terras de *Couall* et *Knapdaill*, cum omnibus suis justis Pertinentijs; *totas et integras* Terras totius Comitatus de *Carricke*, cum omnibus suis justis Pertinentijs; *totas et integras* Terras de *Kyll Regis*, cum debitis et justis suis Pertinentijs, jacen. intra Vicecomitatum de *Air*, in *liberam Regalitatem* seu *Regaliam*, &c. In cujus rei Testimonium, præsentî Cartæ nostræ nostrum præcipimus apponi Sigillum. Testibus, Venerabilibus in Christo Patribus, Henrico Episcopo St. Andrea, Gilberto Episcopo Aberdonensis Cancellario nostro, Roberto Duce Albanîæ Comitæ de Fyfe et de Monteith, Fratre nostro Germano, David de Lindefay, Comite de Crawford, Henrico de St. Claro, Comite Arcadiæ, David Fleming de Biggar, Militibus, et Joanni Senescallo Fratre nostro naturali. Apud Perth, 10. die Decembris, Annoque Humanæ Salutis 1404, et Regni nostri Anno Quarto Decimo.

Nota. This Charter is not now to be found in Record; but Lord Haddington, in his Collection of Decisions 10th March 1610, says

it was then extant in the Register; and Sir James Balfour affirms that this Charter is the Foundation Charter of the Principality of Scotland. *Vide* his MS. in the Advocates Library.

No. III.

After the foresaid Grant by King Robert the 3d to his Son the Prince, the King, as Tutor to him, gave Charters under the King's Great Seal to the Vassals of the Stewartry, to be holden of the King and his Son, and their Heirs, Stewards of Scotland; a Copy of one of which Charters is of the following Tenor:

ROBERTUS Dei Gratia, Rex Scotorum, &c. Sciatis nos verum et legitimum Tutorum Chariffimi Filij nostri, et Hæredis Jacobi, Senescalli Scotiæ, cum Avisamento et Consensu ipsius, nomine suo, et Tutorio nomine, *dedisse, concessisse,* et hac præsentī Carta nostra *confirmasse,* Willielmo Boyd, Filio et Hæredi Willielmi Boyd de Baddynkath, *totas et integras* Terras de *Gauan* et *Rich*, cum pertinen. jacen, in Baronia de Renfrew, et intra Vicecomitatum nostrum de Lanerk, quæ fuerunt dict. Gulielmi Boyd de Baddynkath, &c. *Tenen. et habend.* dictas Terras cum pertinen. dict. Willielmo Boyd, Filio, et Hæredibus suis, *De Nobis* et dict. *Filio nostro, et Hæredibus nostris Senescallis Scotiæ,* &c. De Data 15^{to} die Junij. 1405.

Nota. This Charter is not on Record; but a Copy of it is insert by Mr. John Cors, in his Collections anent the Principality; and it was taken, as he says, from an original Charter compared by him, which he got from the late Earl of Kilmarnock's Doer.

No. IV.

MEMORIAL concerning the PRINCIPALITY of SCOTLAND, taken from a MANUSCRIPT written in the 1752, by the late Mr. GEORGE CHALMERS, Clerk to the Signet, immediately after the Death of the late PRINCE of WALES.

As it appears that this Principality hath been founded upon the Plan of the Erection of the Duchy of Cornwall, it seems necessary, by way of Introduction to state the Nature and Tenor of the Erection and Settlement of that Duchy.

The CASE of the DUCHY of CORNWALL.

By an Act of Parliament, in form of a Charter, made in the Eleventh Year [of the Reign of Edward the Third, Edward Earl of Chester, the King's eldest Son, was created Duke of Cornwall; and the Duchy of Cornwall was given to him, under this Limitation: "Habend. et tenen. eidem Duci, et ipsius et hæredum suorum, Regum Angliæ Filijs primogenitis, et dicti Loci Ducibus in Regno Angliæ hæreditarie successuris." And this Charter contains the following Clause of Return: "Ita, etiam quod præfat. Duce, seu alijs ejusdem Loci Ducibus decedend. et Filio seu Filijs ad quos dict. Ducat. prætextu concession. nostrarum prædictarum spectare dignoscitur; tunc, non apparentibus idem Ducat. cum Castr. Burg. Vill. et omnibus alijs supra dictis, ad nos, vel Hæredes nostros, Reges Angliæ, revertat in manibus nostr. et ipsorum Hæred. nostrorum Regum Angliæ retinend. quosque de hujusmodi Filio, seu Filijs in dict. Regno Angliæ, hæreditar. successur. appareat, ut dict. est, quibus tunc successively ducat. ill. cum pertinen. pro nobis et Hæredibus nostris concedimus et volumus liberari. Tenend. prout superius est expressum."

Cocke's Rep.
Part viii.
Edit. 1727.
Casus Principis, P. viii.

Prince's
Case,
Fol. 29.

And since the foresaid act, the eldest Son of every King, immediately after his Birth, was Duke of Cornwall, and vested in the Dutchy, without any Grant or Charter of Creation from the King; and when the King had no Son, the Dutchy *returned* to the Crown, and did not descend to the King's Grandson, or any other apparent Heir of the Crown, as appears from the following Instances.

Fol. 30. *1st*, Edward, the first Duke, died before the King his Father, *leaving Richard his Son* apparent Heir; but upon Edward's Death, the Dutchy *returned* to the Crown.

2^{dly}, Anne Princess of Denmark, was after the Death of Queen Mary, apparent Heir to the Crown; but she was not vested in the Dutchy until her Accession to the Crown.

3^{dly}, And now, by the Death of his late Royal Highness Frederick Prince of Wales, the Dutchy is vested in the Crown, and does not descend to the present Prince, the apparent Heir of the Crown.

No. V.

The CASE of the PRINCIPALITY and STEWARTRY of SCOTLAND.

IT appears from the Records, that the eldest Son of the King of Scotland was, upon his Birth, entitled to the Principality and Stewartry of Scotland, without any Grant or Charter; and that, when the King had no Son, the same belonged to the Crown. But as the Act of Parliament, or Charter of Erection limiting the Settlement is not to be found on Record, and no instance has occurred since the Accession of the Family of Stuart to the Crown, *That the King's eldest Son died before his Father, leaving a Son*, until the Death of

his Royal Highness Frederick Prince of Scotland; a Doubt has arisen, whether the Principality returns to the King, or descends to Prince George, the King's Grandson, as apparent Heir of the Crown. For the better understanding this Case, it seems proper to state the Origin and Progress of the Principality, so far as the same appears from the Records.

And *first*, It is certain that the greatest Part of the Estate called the Principality or Stewartry was the proper Inheritance of the Family of Stewart, before their Accession to the Crown. That Robert the Second, after his Accession to the Crown, continued in the Possession of that Estate, then called the Stewartry, and gave Charters to the Vassals, to be holden of him, and his Heirs, *Stewards of Scotland*; and there is no vestige of any Grant or Appropriation of this Estate to his Son.

The first Grant which appears to be given by the King concerning the Principality, is a Charter Anno 1404, granted by Robert the Third, to James, his only Son, in these Words:—“ Robertus Dei Gratia, “ Rex Scotorum, Sciatis, quod concessimus carissimo Filio nostro, “ et Hæredi, *Jacobo Senescallo Scotia*, quod habeat, teneat et possideat, “ pro Tempore vitæ suæ, Omnes et singulas Terras suas Senescalliæ “ Scotia, viz. Baroniam de *Renfreu*, &c. [*Here the Lands are de-* “ *scribed*], in liberam Regalitatem seu Regaliam.”—It is plain, from the Tenor of this Charter, that the *Stewartry* was only given to the King's eldest Son for Life; and if, according to Sir James Balfour's Opinion, this was the Foundation Charter of the Principality, not only to James, but to the eldest Son of the King of Scotland in succeeding Ages; it is evident, that the Principality was limited to the Person of the King's eldest Son, and the same could not, by his Death,

Vide No. II.

be transmitted to his Issue ; but, from the Nature of the Settlement, behoved to return to the Crown.

But as the Tenor of this Charter does not import a perpetual Appanage, it appears, that, in Imitation of the Settlement of the Dutchy of Cornwall, an Act of Parliament, in Form of a Charter, was made in some Period of Time between the 26th of April 1467, and the 31st of October 1477 ; whereby the Stewartry, and certain other Lands belonging to the King, were annexed and erected into a Principality, and appointed perpetually to remain with the Kings of Scotland, until the Birth of their eldest Sons, successively, for ever. And upon their Birth and Existence, the same was thereby settled and limited as a perpetual Appanage and personal Provision to them, as will evidently appear from the following Proofs.

First, The King's Revocations in Parliament, of Alienations of Lands annexed to the Crown and Principality, are Evidence, that the Principality was erected betwixt the 1467 and 1477. For it appears that the Revocations by King James the Second and Third, make no mention of Alienations of Lands annexed to the Principality ; but the subsequent Revocations by King James the Fourth, and all his Successors, down to Charles the Second, inclusive, expressly comprehend the Alienations of Lands annexed to the Prince or Principality.

Secondly, There is no mention in any of the Charters to the Vassals before the Year 1467, of the Names of Prince or Principality ; but, from the Year 1477 to this Day, those Charters are granted by the King or his eldest Son, as Princes and Stewards of Scotland.

Tbirdly, Before the Year 1477, there is no mention in any Act of Parliament, or Decision of the King's Courts, of the Names of Prince or Principality; but after that Year, the Acts of Parliament and Decisions refer to the Principality, as certainly established, and design the King's eldest Son, *Prince*.

Fourthly, It appears from the Records, that the Lands of Drumcoll were, by a Charter under the Great Seal, dated the 31st Day of October 1477, disposed by King James the Third, to *John Lord Carlile*; which Charter contains a Clause of Absolute Warrantice; and immediately after hath these Words: "Non obstant. quibuscunque Donationibus, vel Annexationibus, cuicunque Personæ, per nos prius de dictis Terris fact." This is a plain Proof, that there was a prior Annexation of these Lands made by King James the Third to some Person.

Fifthly, It appears from a Copy of a Decree of the King's Council in the 1488, (ingrossed in the Manuscript in Exchequer, intitled State of the Principality, and in an old Manuscript concerning the Principality, in the Possession of the Heir of John Corfe, late Under Keeper of the Records) that the aforefaid Charter was found null, and the said Lands of Drumcoll, were declared to be the King's Property, in respect that these and other Lands had been previously annexed to the Principality. This decree proceeds upon an Action at the Instance of King James the Fourth, against the Lord Carlile, in these Words: "In the Action and Cause persequit, on Behalf of our *Sovereign Lord*, against *John Lord Carlile*, anent the Lands of *Drumcoll*, clamit be the said John to belong to him, in Fie and Heritage, be Gift of Umql. our *Sovereign Lord* of gude Memorie, whom God affoilzie, be Charter and Confirmations in Parliament, made to him thereupon, shawin and producit before the Lords, under his Grett Seill, twa Bishops Seills, and one *Barrone's*; and

Vide No. VII.

“ *claimit by our Sovereign Lord, to pertain to him and his first gotten*
 “ *Son, and his Successors, be Letters of Annexation made of the*
 “ *saïd Lands of Drumcoll, perpetually to remain with the Kings and*
 “ *Princes of Scotland, their Sons, with Clauses, That it shall be lei-*
 “ *sum ay and ony time, to them, to take the saïd Lands in their*
 “ *Hands at their Will, as was shawin be the Annexation of the*
 “ *saïmen Lands of Drumcoll, and others, annexit to the Prince's Lands*
 “ *under the King's Grett Seill, and divers Prelates, Lords, Barons,*
 “ *and Commiffionaries, of the Date, made before the Date of the*
 “ *saïd Letters, made to the saïd John Lord Carlyle.*” Thus it ap-
 pears, that the Principality was erected by an Act of Parliament, in
 “ Form of a Charter, in the Reign of King James the Third, prior
 “ to the 31st of October 1477, and limited to the Persons of the
 Kings and their eldest Sons, *perpetually* to remain with them in all
 succeeding Ages ; and this Erection precisely agrees with the Plan of
 the Settlement of the Dutchy of *Cornwall*, both in Form and Substance ;
 and though the aforesaid Decree is not to be found on Record, the
 Charter to Lord Carlile is yet extant in the Record referred to, and
 recited in this Decree, is convincing Evidence, that the Copy is au-
 thentic ; and this will more evidently appear, upon considering the
 following Articles.

Vide p. 119.

Sixtly, It appears from the Records, that the Barony of Kilmar-
 nock and Lands of Nodisdale, held of the Crown upon the 26th of
 April 1467, and consequently were then no Part of the Principality.
 That, by a Charter under the Great Seal, dated the 16th of October
 1482, these lands were disposed by King James the Third, as Tutor
 to his eldest Son, in favour of James Boyd ; which Charter contains
 a Clause of absolute Warrantice, and immediately after hath these
 Words : “ *Non obstan. Annexatione prius facta de dictis Terris, Ba-*
 “ *ronijs, alijsque Prascriptis, Coronæ dicti Jacobi Regis Tertij Scotorum,*
 “ *aut dicto quond. charissimo suo Filio primogenito, et Successoribus suis*

"*Principibus et Senescallis Scotiae.*" This Charter explains the general Words of Annexation in the Charter to Lord Carlile; and it is a clear Proof, that the Barony of Kilmarnock, and Lands of Nodisdale, which held of the Crown upon the 26th of April 1467, had been, some time previous to the Date of the Charter, annexed as Part of the Principality; and this Article, joined with the two former, is full Evidence, that between the 26th of April 1467, and the 31st of October 1477, the Act of Erection before mentioned, was made.

Seventhly, The Act of Erection, and Tenor thereof recited in the Decree, is further supported and confirmed by the 16th Act of Parliament 1489; by which it is enacted, "That the free Tenents that holds of the Prince should be halden to compear and answer in the Parliament and Justice Airs, with their Suits and Presences as effeirs, ay and quhile our Sovereigne Lord have a Son that should be immediate betwixt the King and them, to answer for them in the said Parliament, and Justice Airs, and Suit Rolls to be made thairupon, quhilk shall endure quhile the Prince be born." This is a plain Proof of the Erection and Limitation of the Principality to the King and his eldest Son; and though Sir George M'Kenzie had no other Evidence of the Tenor of the Erection than this single Act; yet, upon this single Authority, he, in his Observations upon it, is of Opinion, that the Principality was settled as a *personal Appanage*, and consequently not transmissible to Heirs. His Words are, "Appanages given to Children, do, in their own Nature, imply to be only *temporary*, and whilst the Child exists to whom it is provided for an Appanage. And therefore, since we have not the Foundation of the Principality itself, we must construct it to have been thus erected."

Eighthly, The Act and Tenor of the Erection is still further confirmed, by constant and uninterrupted Usage and Custom; for, from

the Year 1477 to this Day, the Charters to the Vassals of the Principality have been always granted by the King, as *Prince* and *Steward* of *Scotland*, when he had no Son; and by the King's eldest Son, as Prince and Steward of Scotland, when he existed.

Ninthly, Before the Year 1467, the King's Heirs were entitled to succeed to the Stewartry; but after the Year 1477, these Persons only, to whom the Succession was limited. This appears evident from the Tenor of the Charters granted to the Vassals in these different Periods of Time. The Charters by the King, before 1467, are given to the Vassals thus: "Tenend. de Nobis et *Hereditibus* nostris *Senescallis* *Scotiæ*." But after the 1477, there is not the least mention of the Heirs of the King, or his eldest Son, in any of the Charters to the Vassals; but they have been always given in this form: "Tenend. de nobis et *Successoribus* nostris *Principibus* et *Senescallis* *Scotiæ*;" and many of them describe the Successors thus: "Successoribus nostris, Regibus *Principibus*, et *Senescallis* *Scotiæ*;" and particularly, a Charter of Confirmation by James the Fourth, as Administrator to his eldest son, (who was the very Person described *his first gotten Son* in the Decree before mentioned). This Charter, after narrating the Charter confirmed, contains these Words: "Quamquidem Cartam approbamus, ratificamus, ac pro nobis et præfato charissimo Filio nostro, et Successoribus suis, Regibus, Principibus et Senescallis *Scotiæ*, pro perpetuo confirmamus." Thus it is apparent, that after the Year 1477, the Succession was limited to the Persons of the King, or his eldest Son; and that the Principality did not descend to Heirs.

Tenthly, This more evidently appears, from the Case of the Princess Anne of Denmark, the only Instance since the 1477, (excepting the present Prince) where the apparent Heir of the Crown was not the King's eldest Son. This Princess was undoubtedly, after the Death of *Queen Mary*, apparent Heir of the Crown; but she never

was in Possession, or made the least Claim to the Principality, until her Accession to the Crown. On the contrary, King William continued in the Possession, and, as Prince and Steward of Scotland, gave Charters to the Vassals of the Principality during his Life.

From all these Instances, there arises full and convincing Evidence, that the Act of Parliament recited in the Decree before mentioned was the original Act and Foundation of the Principality, and appears to have been made precisely upon the Plan of the Erection of the Duchy of Cornwall; and accordingly, the Officers of the Crown have so taken this Settlement; for it appears, by the Charter creating his present Majesty * Prince of Wales, that he is therein described (as by Birth) *Duke of Cornwall and Rothesay, Earl of Carrick, and Steward of Scotland*. But in the Charter creating the present Prince George †, the King's Grandson, Prince of Wales, none of these Titles are engrossed.

Therefore, upon the whole, it seems evident, that the Principality stood limited to the Person of his late Royal Highness, the King's eldest Son, and, by his Death, returns to the Crown, and does not descend to the present Prince, the King's Grandson.

Objection I. It appears, by the foresaid Act 1489 and other Records, that the Principality was vested in his Royal Highness Prince Frederick, as an Estate of Inheritance: That he gave Charters to Vassals, and exercised other Acts of Property over the Principality; and from these Circumstances it must be presumed, that the original Constitution or Erection, in Favour of the Prince, was made agreeable to the common Law, by which it is certain, that all Estates of Inheritance descend to Heirs; and therefore, by the Death of the late Prince, the Principality descends, and belongs to his eldest Son, the present Prince.

P

* George II.

† Now George III.

Answer I. By the feudal Law, a proper Feu is defined to be, a Benefice given for Services; and as it is a Benefice, the Grant is *strictissimi juris*, admitting of no Extension beyond the precise Words and Tenor of it; and therefore a Feu is only deemed to be an Estate of Inheritance, when it is given to a Person, viz. Titius and his Heirs; but when such Estate is given only to Titius, without mentioning his Heirs, it is no more than a Liferent Estate, or Usufruct given to him, and by his Death it is extinguished; and this Construction takes place, even although, by the Tenor of the Grant, the Estate were given to Titius for ever. *Quia tempus cum eo finitur* (A); and if this is so, it is evident, that the Principality is not an Estate of Inheritance, vested in the eldest Son of the King, because it appears from the Tenor of the Erection, and the Act of Parliament 1489, that it is only settled upon the King's eldest Son, without any mention of his Heirs; and therefore, according to the Principles of the feudal Law, his Right is extinguished by his Death, and is not transmitted to his Heirs.

Answer II. If the Principality was an Estate of Inheritance, vested in the King's eldest Son, then, according to the Principles of the Feudal Law, he would continue vested during Life, even after his Accession to the Crown, and his eldest Son existing after his Accession, could have no title to the same, but either by a new Grant from the King his Father, or by Succession to him after his Death. But as it is certain, from the Tenor of the Erection, and the Act of Parliament 1489, and continual Usage, that the King's eldest Son, upon his Existence, is entitled to the Principality before the Death of the King, and without any new Grant from him: It is therefore

(A) Craig de Feudis, Lib. i. Dieg. 9. § 5. cod. Lib. Dieg. 4. § 7. Dieg. 9. § 33. Dieg. 10. § 7. Dieg. 11. § 8. 25. Lib. 2. Dieg. 3. § 28. Dieg. 6. § 2, 3. Dieg. 7. § 6. ad Fin. Stair's Instit. Lib. 2. Tit. 2. § 14, 16. Arg. Voet. ad Pand. Degressio de Feudis, Lib. 38. § 13, 60.

evident, that the Principality is not an Estate of Inheritance vested in the King's eldest Son.

Answer III. Supposing the Principality to be an Estate of Inheritance, descendable to the Heir of the King's eldest Son; yet, by the Law of Scotland, such Heir could have no Title to give Charters, or renew the Investitures of the Vassals, until he himself was vested therein by a proper Charter or Warrant from the Crown.

Answer IV. But the Principality was undoubtedly the patrimonial Estate of the King's Ancestors; and as no Grant appears on Record divesting them of the Principality, other than the foresaid Charter by *Robert the Third*, and the Act limiting the same to the Person of the King's eldest Son, it must be held to be the Property of the Crown, when the King's eldest Son does not exist.

Answer V. The Principality has always been possessed, ever since the Accession of the *Family of Stewart* to the *Crown*, by the King or Queen, or their eldest Son; and by no other Person whatsoever.

Answer VI. By the foresaid Charter of *Robert the Third*, Decree, Act 1489, and other Records, it is apparent that the Principality was limited by the Crown as an alimentary Provision to the Person of the King's eldest Son; and therefore, from the Nature of the thing, the same is not transmissible, but must end and be determined by his Death, and return to the Crown.

Answer VII. And, as this is evident from the Nature of the Thing, so, *de facto*, it appears from the Charter to the *eldest Sons* of the Kings of *England* and *France*, that such Provisions are personal, and do not descend to their Issue. It is already proved, that the Duchy of *Cornwall* is limited to the King's eldest Son, and is not transmit-

ted by his Death to his Son, but returns to the Crown. The Principality of Wales is also limited in the same manner, to the King's eldest Son, *Tenen. sibi et Hæredibus suis, Regibus Angliæ*. The Charter by Philip King of France, of the Duchy of Normandy to John, his eldest Son, is limited thus: "Quo mortuo, five Liberos habeat, five non, prædictus Ducatus revertetur, et pertinebit ad Regem Franciæ, et ad Coronam;" and the Dauphiné, when given to the King's eldest Son, is limited in the same manner.

Objection II. These Instances prove only, that, by the Limitation in these several Charters, the *Provisions* are *personal*; but it does not follow, That the Principality of Scotland was so limited. On the contrary, it is evident, from the Tenor of the Erection, as recited in the Decree, that the Principality was provided to the King's eldest Son, and his Successors; and the Charters to the Vassals were always given by the Prince, *Tenend. de nobis et Successoribus nostris Principibus et Senescallis Scotiæ*; which is a plain Proof, that the Principality, by his Death, descends to his Heir; and this Construction is the more reasonable, that the Principality is to be considered as an *Appanage* to the apparent Heir of the Crown.

Answer I. As it is evident that Scotland followed either France or England in their Customs and Forms, so it is more than probable, that the Erection of the Principality would be made after the Pattern of the prior Settlements, to the Eldest Sons of the Kings of England or France.

Answer II. The Term *Successor* is opposed to that of *Heir*, and has a quite different signification. The *Successor* takes by *Deed*, and the *Heir*, *Jure Sanguinis*. This Distinction is clearly supported in Fact, in the present Case; for *before* the Erection of the Principality, the King's Heirs by Blood were entitled to succeed; but *after* the Erection, the Persons only, to whom the Succession was limited by the Act of Erection.

This is evident from the different Tenors of the Charters to the Vassals in the several Periods of Time before recited, which clearly establishes the Distinction already made, and sufficiently proves, that the *Succeffors* to the King or his eldest Son in the Principality, are not their Heirs by *Blood*, but those only to whom the Succession stands limited by the Act of Erection, viz. the succeeding Kings or their eldest Sons.

Answer III. The *Succeffors* to the Principality are without the least Ambiguity clearly described by the Tenor of the Erection recited in the Decree. The words are, "and claimit be our Sovereigne Lord to
"pertain to him and his first gotten Son, and his Succcessors, be
"Letters of Annexation of the said Lands of Drumcoll, perpetually
"to remain with the Kings and Princes of Scotland, their Sons." Here it is plain, that the Kings and their eldest Sons were to *succeed* in all after Ages to *this first gotten Son*; and to maintain, that any other than the King or his eldest Son is entitled to the Succession, is directly contrary to the exprefs Words of the Limitation; for, suppose the the first gotten Son had died before the King his father, leaving Issue, it is obvious such Issue could have no title to the Succession; but, according to the Limitation, the Principality behoved to return to the King.

Answer IV. As the *Succeffors* are by the Act of Erection clearly described, so, in many of the Charters to the Vassals, (whether given by the King when Prince, or by his eldest Son), they are, in the same manner, exprefsly and clearly pointed out, thus: "*Tenend. de nobis
"et Succcessoribus nostris Regibus, Principibus nostris Senescallis Scotiae.*" But what puts this matter beyond all Doubt, is, that after the Birth of the first gotten Son, mentioned in the Decree, King James the Fourth, as Tutor to him, gave Charters to the Vassals, plainly describing the Kings and Princes of Scotland to be his *Succeffors*, par-

ticularly the Charter of Confirmation already mentioned, bearing date the 10th of July 1510, which, after reciting the Tenor of the Charter confirmed, contains these Words: "Quamquidem Cartam
"approbamus, ratificamus, ac pro nobis et præfato charissimo Filio
"nostro, et Successoribus suis, Regibus, Principibus et Senescallis Sco-
"tiæ, pro perpetuo confirmamus;" so it clearly appears, that if this first
gotten Son had died before the King his Father, the King was to
be his Successor.

Answer V. That the Principality does not descend or belong to
the apparent Heir of the Crown, unless such apparent Heir be the
King's eldest Son, is proved from the Case of Princess Anne of Den-
mark already observed.

Upon the whole, If this Case shall be examined either by the Evi-
dence of the Tenor of the Erection of the Principality, and the Prin-
ciples of the Feudal Law, or from the Nature of the Thing, as a
personal Provision, or the constant and uniform Manner of the Pos-
session, or the Case of Princess Anne of Denmark, or the authentic Set-
tlements and Limitations, in similar Cases, to the eldest Sons of the
Kings of England and France, particularly that of the Duchy of
Cornwall, it appears evident, that the Principality stands limited to
the Person of the King's eldest Son, and by his Death cannot descend
or be transmitted to his Son, or any other apparent Heir of the
Crown, but *returns* to the King.

No. VI.

After the foregoing Memorial was written, the following Act (which is supposed to be the Act of Annexation recited in in the Decree against the Lord Carlisle, Anno 1488, was found in the Advocates Library, amongst the Collections of Sir Lewis Stewart, Advocate to King Charles the First, p. 227.

COPY ACT OF PARLIAMENT, in FORM of a CHARTER, reciting the SENTENCE of FORFEITURE against ROBERT LORD BOYD, THOMAS BOYD, his SON, and ALEXANDER BOYD of DRUMCOLL, and annexing the LANDS of DRUMCOLL, KILMARNOCK, NODISDALE, BUTE, CARRICK, and other LANDS, *Principibus Primogenitis Regum Scotiæ* perpetuis futuris temporibus.

JACOBUS, Dei Gratia, Rex Scotorum, Procuratores Alexandri Ducis Albanix, Comitis Marchix, Domini Vallis Annandix et Mannix, &c. et Joannis Comitis de Marr et Garvloch, ceterique Comites, Mag-nates, Proceres, Barones, Civitatum et Burgorum Commissarii, in Parlamento apud Burgum de Edinburgh tento et inchoato, vice-simo die Mensis Novembris, Anno Domini Millesimo quadringen-tesimo sexagesimo nono: UNIVERSIS ad quorum Notitias presen-tes Literæ pervenerint, *Salutem* in Omni Salvatore, vestræ Univer-sitati notum facimus, quod nos Tribunali feden. vicesimo secundo Die Mensis Novembris Anni prædicti, coram nobis, in Prætorio Burgi de Edinburgh, in Parlamento præfato presentari et perlegi fecimus, quasdem Literas Summonitionis Capellæ nostræ, sub Sigillo Officij Can-

cellariæ sigillatas, sufficienter et legitime executas et probatas, Vicecomiti et Balivis suis de *Air* direct. et suo Sigillo in Testimonium executionis earundum sigillatas, pro Summonitione Roberti Domini Boyd et Thomæ Boyd, ejus filij primogeniti eminas; quarumquidem Literarum virtute, dicti Robertus, et Thomas, apud capitale Messuagium de Kilmarnock, et apud Crucem et Forum Burgi de *Air*—time et peremptorie summoniti fuerunt, ut luculenter apparebat per Executionem, Probationem et Indorsationem Vicecomitis prædicti. sub suo Sigillo—time fact. dictisque Literis et earundem Probatione et Executione publice prædictis, dicti Robertus et Thomas, sæpe vocati ad comparandum personaliter, coram nobis, dicto vicefimo secundo Die Mensis Novembris, in Parlamento prædicto, ad respondendum nobis Proditoria . . . Captione nostræ Personæ regię, Tempore nostræ existend. in Scacario nostro apud Burgum nostrum de Linlithgow, nono Die Mensis Julij, Anno Domini millesimo quadringentesimo sexagesimo sexto, contra nostræ Voluntatis libitum et in contrarium Acti Parliamenti, *necnon* pro proditoria Vituperatione, et Degradatione Authoritatis, et Majestatis nostræ Regię, proditorie sumendo in se Regimen . . . alijs proditorijs, Actionibus, Rebellionibus, Criminibus, et Trangressionibus per dictos Robertum et Thomam, contra nos, et in Opprobrium nostræ Majestatis commissis et perpetratis. Quiquidem . . . Tunc *Magister David Guthrie* de eodem, Clericus Rotulorum et Registri, noster Prolocutor, de Mandata nostro speciali, ad probandum et clare deliberandum dictos Robertum et Thomam, commisisse, et perpetrassse Proditoriam Traditionem in diversis Trangressionibus prædictis, per ipsos perpetratis, produxit et pronunciavit, quam plures Rationes, Allegationes Jura, Acta, et Statuta Parliamentorum.

Quibus auditis intellectis, post longum Communicationem inter nos, Barones, et Commissarios Burgorem, habitam, et ad plenum Intellectam, comperimus dictos Robertum et Thomam proditoriam,

commisisse Traditionem in omnibus Articulis et Actionibus prædictam proditoriam Traditionem tangen. juxta Acta et Statuta Parliamentorum, et Jura communia, canonica, et civilia; ac etiam ipsos Robertum et Thomam criminosos esse et fuisse in omnibus Transgressionibus antedictis. Tunc vero, remotis omnibus et singulis Dominis Prælati dicti Parlamenti, et cæteris Clericis infra sacros Ordines constitutis, quibuscunque, datum fuit pro Judicio, per Os *David Dempster* de Carralstoun, Judicatoris Curie Parlamenti, quod dicti Robertus et Thomas, predictis suis proditorijs Criminibus per ipsos perpetratis, ut expressum est, forisfecerunt eorum Vitam, et a se, et eorum Hæredibus, suas Terras, Redditus et Possessiones, Superioritates et Officia, et omnia Bona sua, mobilia et immobilia, ad Usum et Utilitatem nostram, et Successorum nostrorum, hæreditarie pro perpetuo applicand.

Dicto etiam vicesimo secundo Die Mensis Novembris, coram nobis in nostro Parlamento prædicto, *personaliter comparuit* ALEXANDER BOYD de *Drumcoll, Miles*, per consimiles Literas Summonitionis nostræ Capellæ prædictæ alias legitime et peremptorie ac personaliter summonitis ad . . . rictum nobis, pro proditoria Captione nostræ Personæ tempore nostræ existen. in Scaccario nostro, apud Burgum nostrum de *Linlithgow*, ut supra contra nostræ Voluntatis Libitum, et in contrarium Acti Parlamenti nostræ Regiæ Majestatis Derogationem et Vituperationem, et pro quamplurimis alijs proditorijs Actionibus, Criminibus, et Rebellionibus, per dictum Alexandrum contra nostram Regiam Majestatem proditorie perpretatis. Post quarumquidem Literarum Summonitionis Lecturam, *Lancellotus de Abernethie*, noster Prolocutor, dictum Dominum Alexandrum Boyd de proditorijs Criminibus, et Transgressionibus prædictis, accusavit, et calumniavit. Quam Calumniam Ipse Alexander penitus denegavit, et ad Declarationis Affixæ subscriptæ submisit; viz. Consanguineorum nostrorum, David Comitis Crawfurdæ, Jacobi Comitis de Mortoun, Willielmi

Forfeiture of
Alex. Boyd
of Drumcoll.

Domini Abernethie, Georgij Domini Seytoun, Georgij Domini Gordoun, Alexandri Domini Glamis, Georgij Domini Halyburtoun, Walteri Domini Lorne, Joannis Dischingtoun de Ardros, Archibaldi Dundas de Eodem, Joannis Stewart de Craigie, Willielmi Thaine de Calder, Alexandri Straiton de Lauriestoun, Joannis Wardlaw de Rickardtoun, et Georgij Campbell de Loudoun, Vicecomiti nostri de Air. Quibus Personis, Magno Sacramento interveniente, tactis sacrosanctis Dei Evangelijs, juratis, Accusationibus nostris; *necnon* Allegationibus et Rationibus dicti Alexandri perprius auditis, et intellectis, ipsisque Parlamento remotis, et mature avifatis; ac postea in eodum reinstratis, per Os dicti Domini Willielmi Abernethie, prolocutoris dictæ Assisæ, decretum et deliberatum extitit, dictum Alexandrum Boyd Proditoriam Traditionem contra nos commississe, et Reum criminofum, et culpabilem, in omnibus Trangressionibus prædictis fuisse, juxta Acta et Statua Parliamentorum, et Jura Canonica et Civilia. *Tunc* vero remotis omnibus et singulis Dominis prælatis dicti nostri Parlamenti, ac cæteris Clericis infra Sacros Ordines constitutis quibuscunque. Datum fuit pro Judicio per . . . David Dempster de Carrallstoun, Judicatoris prædicti, Caput dicti *Alexandri Boyd, supra Montem Castri de Edinburgb*, pro suis proditorijs Criminibus per ipsum perpetratis, *a suo Corpore amputari, et decollari*; et quod Terras suas, Redditus et Possessiones, Superioritates, et Officia, cum Pertinentijs, ac omnia Bona sua, mobilia et immobilia, pro perpetuo forisfecit a se, et suis Hæredibus, ad Usum et Utilitatem nostram nostrorumq. Successorum et Assignatorum, hæreditarie, et pro perpetuo applicand.

Act of Annexation of certain lands.

Preterea, vicesimo septimo Die Mensis Novembris Anni prædicti, Anno Regni, in dicto Parlamento, de Consensu et unanimi Assensu omnium et singulorum Prælatorum, Baronum, Burgorum, Commisforiorum, et libere Tenentium, tres Statis Regni nostri representium, statutum extitit, et ordinatum, Quod omnia et singula Dominia

Terræ et Castra, cum eorum Pertinentijs, inferius eorum proprijs Nominibus designata; viz. Dominium de *Bute*, cum Castro de *Rothsay*; Dominium de *Couall*, cum Castro de *Dounune*; Comitatus de *Carrick*; Terras de *Dundonald*, cum Castro ejusdem; Baronia de *Renfrew*, cum Terris et Tenandrijs ejusdem; Dominium de *Stewartoun*; Dominium de *Kilmarnock*, cum Castro ejusdem; Dominium de *Dalry*; Terræ de *Nodisdale*; Terræ de *Kilbryde*; Terræ de *Narristoun*; et Terræ de *Cavertoun*; cum omnibus et singulis Annexis, Superioritatibus, et Pertinentijs, omnium et singulorum Comitatus, Dominiorum, Baroniarum et Terrarum præscriptarum; necnon Terrarum de *Frarnysan*, *Drumcoll*, *Trebrauch*, cum Fortalicio ejusdem; **PRINCIPIBUS PRIMOGENITIS REGUM SCOTIÆ**, Successorum nostrorum, perpetuis futuris Temporibus, uniantur, incorporentur, et annexantur. Necnon, quod Terræ de *Teilling*, cum annuo Redditu de *Brechine*, quæ olim fuerunt dicti Thomæ Boyd, jacen. infra Vicecomitatum de *Forfar*, nobis et Successoribus nostris Regibus Scotiæ, ac Jure nostræ Coronæ Regiæ, perpetuis futuris Temporibus uniantur, incorporentur, et annexantur; ac præsentium Ordinationes, et Statuti, vigore, taliter unita, sic incorporata sint, et annexa; Ita quod non erit licitum nobis aut Successoribus nostris quibuscunque, Scotiæ Regibus, aut *Principibus primogenitis*, ut prædictum est, præfata Dominia, Terras, Castra, vel aliquam partem eorum, ullo Tempore futuro, cuicunque Personæ, cujuscunque Status, et Conditionis existat, in Feodo, aut libero Tenemento, dare vel concedere, seu a jure et Proprietate *Coronæ Regiæ*, et *Principibus primogenitis* quovismodo alienare, nisi ipsa Donatio vel Alienatio fiat de Avisamento, matura Deliberatione et Decreto Parlamenti trium Statuum Regni nostri; Et hoc . . . pro evidenti Commmodo, et manifesta utilitate nostra et Successorum nostrorum. Et si aliquod vel aliqua, de Dominijs, Terris, vel Castris antedictis, per nos, aut Successores nostros, aut *Principes primogenitos* nostros Successores, futuris Temporibus, absque mature Deliberatione, Consensu, et *Decreto Parlamenti*,

vel præter evidens Commodum, et manifestum Utilitatem nostram, et Principum primogenitorum Successorum nostrorum, ut præmittitur, quovismodo fieri contingat. Quæ Donatio, seu Alienatio, hujusmodi taliter facta, nullius sit penitus Roboris vel Momenti. Quinimmo licitum erit, nobis, Principibus primogenitis, Successoribus Scotiæ Regibus præfatis, Alienationis contra præsentis Statuti Tenorum, et vigorem factas, seu faciendas, penitus revocare, ipsaque Dominia, Terras, et Castra sic alienata, ad jus, et proprietatem nostræ Coronæ Regiæ, et Principibus primogenitis nostris Successoribus, et ad Usus proprios absq. Processu quocunque Judiciario desuper habendo, pro nostro Libito et Voluntate libera reassumere. In quorum omnium et singulorum Præmissorum, Magnum Sigillum nostrum apponi præcipimus, una cum Sigillis quorundam eorum ibidem existentium Prælatorum, Baronum, et Burgorum Commissariorum sunt appensa, Anno, Die Mensis, et Loco præscript *.

Copy of the CERTIFICATE, by the DEPUTE KEEPER of the ADVOCATES LIBRARY.

THE above Copy, consisting of this and the seven preceding Pages, is a just Copy of the Act of Forfeiture and Annexation of certain Lands to the Princes of Scotland, as it is ingrossed in the Manuscript Collections of Sir Lewis Stewart, Advocate to King Charles the First, in the Advocates Library; which is attested by me Walter Goodall, Assistant Keeper of the said Library. In Testimony whereof I have subscribed these Presents, at Edinburgh, this Second Day of January One Thousand Seven Hundred and Fifty-Two Years.

(Signed) WALTER GOODALL.

* The Reader will discover in this Act several Inaccuracies in point of Grammar; but it was thought proper to copy it literally from the Manuscript.

No. VII.

COPY of DECREE, at the Instance of KING JAMES the FOURTH, against JOHN LORD CARLILE, before referred to, Page 109, marked in the auld MANUSCRIPT STATE in the EXCHEQUER, P. 11.—Thus, 1488.

IN the Action and Cause persuit on behalf of our Soverane Lord, against *John Lord Carlile*, anent the Lands of *Drumcoll*, claimit be the said John to belong to him, in Fie and Heritage, be Gift of Umql. our Soverane Lord of gude Memorie last, quhom God asfoilzie, be Charters and Confirmations in Parliament, maid to him thairupon, shawin and productit befor the Lords, under his Grett Seill, twa Bischops Seills, and ane Barrowne's, and claimit be our Soverane Lord, to pertain to *him* and his *first gotten Sonne*, and his Successors, be Letters of Annexation made of the said Lands of Drumcoll, perpetuallie to remain with the *Kings* and *Prynces* of Scotland, *thair Sonnes*, with Clausfes, That it fall be leifsum, ay and onie tyme, to thaim, to take the said Lands in their Hands at thair Vill, as ves shawin be Annexation of the sament Lands of Drumcoll, and otheris annexit to the *Prynces Lands*, under the King's Grett Seill, and diverse Prælattis, Lords, Barrounes, and Commiffionaries of the dait maid, before the dait of the said Letters maid to the said *John Lord Carlile* (Charter dated 31st October 1477). The said John beand personallie present, and our Soverane Lord's Advocate, thair Rights, Resones, and Alledgeancies, at lenth seine, hard, and understandit, The Lords *decreatis* and *delyveris*, that the said Lands of Drumcoll *are* our Soverane Lord's Propertie, annexit to the *Prynces Lands* of Scotland; and that the said John Lord Carlile, has na Right thairto; and

that he, nor his Airis, has na Right to intromit thairwith in Time coming, nather with *Propertie* nor *Possessione* of the samyne; and *ordains*, that Letters be written heirupon in dew Forme, &c.

No. VIII.

ACT of PARLIAMENT, shewing that the PRINCIPALITY was erected before the Year 1489.—Printed Acts 1489, Act 16.

ITEM, anent the free Tenentes, that haldis of the Prince, the Duke of *Rothsay*, and Steward of *Scotland*, the Lordes of the Articles thinks it reasonable, that all thay free Tennentes fall be halden to compeir and answer in the Parliament and Justice Aires, with thair Suites and Presentes, as effeires, *ay and qubill our Soverane Lord have anc Sonne*, that suld be immediate betwixt the King and them, to answer for them in the said Parliament and Justice Aires: And Suit-Rolles to be maid thereupon, *qubill fall indure qubill the Prince be born*.—2d Parl. of K. James IV. 15th Feb. 1489.

No. IX.

ACTS of PARLIAMENT, shewing that the King's ELDEST SON was called PRINCE.

1. N. 3. B. 4. Records of Parliament, 11th December 1482. Resolved, That a Peace be proposed to England; and likewise our Sovereign Lord and the Estates of this Realm desires, that the Alliance and Marriage appointed of before betwixt our Sovereign Lord the *Prince*, and the *Dochter* of the King of England, be fulfilled.

King James the Fourth's Revocation, Act 51. Anno 1493.

Item, We revoke in likewise all Alienations made of any Heritage annexed to the Prince, second Person of the Realm.

King James the Fifth's Revocation, Act 70. Anno 1540.

Item, We revoke all Alienations of any Rents, Lands, Heritages annexed to the Principality and to the Prince, second Person of the Realm, made by us in Manner foresaid.

Queen Mary's Revocation, Printed Acts 1555. Act 28.

Item, We revoke all Alienations of any Rents, Lands and Heritages annexed to the Principality and to the Prince, second Person of the Realm, made by us in manner foresaid.

King James the Sixth's Revocation, Act 31. Anno 1587.

Item, We revoke all Alienations and Dispositions whatsoever of our Rents, Lands, or Heritages annexed to the Principality or to the Prince, quha is always second Person of this Realm, maid by us, or onie our Predecessors, to the Prejudice and Hurt of the Prince, second Person afore said.

Ratification of Grants to the Prince, Act 4. Anno 1621.

Act ratifying all and whatsoever Grants and Donations, in Favour of the Prince, or his Predecessors, Princes and Stewards of Scotland.

King Charles the First's Revocation. Act 9. Anno 1633.

In the first, his Majesty and whole Estates of Parliament revokes, casses, and annulls, all Infeftments, Charters, Precepts, Confirmations, Alienations, Gifts, Donations, Rights, Securities, and other Dispositions whatsoever, of any Rents, Lands, Lordships, Baronys, Heritages, Teinds, Patronages of Kirks, Offices, Privileges, and others whatsoever, annexed to the Principality or to the *Prince*, who is *second Person* of the Realm, made, conveyed, signed, or consented unto by his Majesty's umql. dearest Father, for himself, as *Prince* of Scotland, or as Father and lawful Administrator to his Majesty, or to Umql. Prince Henry, his Majesty's Brother of worthie Memorie, or by the said Umql. Prince Henry himself, or made and granted by his Majesty's said Umql. dearest Father, or any other, his Majesty's Predecessors, Kings of Scotland in their Times; to whatsoever Person or Persons to the Hurt and Prejudice of the *Prince*, *second Person* foresaid, or made and granted by his Majesty at any Time preceeding the Date hereof, unlawfully, and against the Laws of the Kingdom; the same being tryed and found to be so.

King Charles the Second's Revocation. Act 8. Anno 1662.

His Majesty, and Estates of Parliament, doth declare, That the King's Revocation is to be extended to all and whatsoever Deeds done in Hurt and Prejudice of whatsoever Lands, Lordships, and others, annexed to the Principality, or to the *Prince*, who is the *second Person* of the Realm.

No. X.

ABSTRACT of CHARTER by KING GEORGE the First, creating his eldest Son GEORGE PRINCE of WALES and EARL of CHESTER, Page 113.

Records in Crown Office, Anno 1714.

GEORGIUS, &c. Sciatis igitur, quod nos, juxta antiquas hujus Regni Consuetudines, eundem præcharissimum Filium nostrum Georgium Augustum, (modo Principem Magnæ Britanniae, Principem Brunsvici, Luneburgi, Ducem Cornubiæ, et Rothsaiæ, Ducem Marchionem Cantabrigiæ, Comitem de Milfordhaven, et de *Carrick*, Vicecomitem Northallerton, Baronem de Tudesbury, et de *Rensfrew*, DOMINUM INSULARUM et SENESCALLUM SCOTIÆ, et nobilissimi Ordinis Pelisclidis Equitem) PRINCIPEM WALLIÆ, et COMITEM CESTRIÆ, *fecimus et creavimus*, et per has Literas nostras Patentes, *facimus et creamus*, ac eidem Georgio Augusto, Nomen, Stilum, Titulum, Dignitatem, et Honorem, Principatus et Comitatus earundem, *dedimus et concessimus, damus et concedimus*, et per præsentem Cartram nostram confirmamus. *Ac ipsum* de eodem Principatu et Comitatu, ut ibidem præficiendo præsideat, et possidendo dictas partes, dirigat et defendat, per Cincturam Gladij, Traditionem et Positionem certi in Capite, et Annulli aurei in Digito : *Necnon* Virgæ Aureæ in Manum insignimus et investimus, ut est Moris, *habendum* sibi et Hæredibus suis Regibus Magnæ Britanniae, in perpetuum : *quare* volumus, et firmiter præcipimus, pro nobis et Hæredibus nostris, Quod prædictus Georgius Augustus, Filius noster, habeat *Nomen*, Stilum, Titulum, Dignitatem, et Honorem *Principatus WALLIÆ et Comitatus Cestriæ* prædicti. sibi et Hæredibus suis Regibus Magnæ Britanniae, ut prædictum

est ; in cuius Rei, &c. Teste meipso, apud Westm. 27mo Die Septembris Anno Regni primo. Per ipsum Regem proprio Manu signat.

No. XI.

ABSTRACT of CHARTER by KING GEORGE the Second, creating his Grandson GEORGE, PRINCE of WALES, Page 113.

Records in Crown Office, 1751.

GEORGE the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c. to all Archbishops, Dukes, Marquisses, Earls, Viscounts, Bishops, Barons, Justices, Provosts, Ministers, and all others our faithful Subjects, greeting. *Know ye*, that we have *made and created*, and by these our Letters Patent, *do make and create* our most dear Grandson *George William Frederick* (the Prince of Great Britain, Electoral Prince of Brunswic, Lunenburg, Duke of Edinburgh, Marquis of the Isle of Ely, Earl of Eltham, Viscount of Lancaster, Baron of Snadoun, and Knight of the most noble Order of the Garter), *Prince of Wales and Earl of Chester* ; and to the same *George William Frederick*, have *given and granted*, and by this our present Charter, *do give, grant, and confirm* the Name, Stile, Title, Dignity, and Honour of the same Principality and Earldom ; and him the said George William Frederick, as has been accustomed, *we do ennoble and invest* with the said *Principality and Earldom*, by girding him with a Sword, by putting a Coronet on his Head, and a Gold Ring on his Finger ; and also, by delivering a Gold Rod into his Hand, that he may preside there, and direct and defend those Parts, *to hold to him and his Heirs*,

Kings of Great Britain, for ever. *Wherefore we will* and strictly command, for us, our Heirs and Successors, that the said *George William Frederick*, our Grandson, may have the Name, Stile, Title, Dignity, and Honour of the Principality of Wales, and Earldom of Chester, unto him and his Heirs, Kings of Great Britain, as is above mentioned. In witness whereof, &c. Dated 20th April 1751.

No. XII.

CONTRACT of MARRIAGE betwixt MARIE QUEEN of SCOTTIS and JAMES DUKE of ORKNEY, EARL of BOTHVILLE, &c. dated 14th May 1567.—From an original Copy, in the Archives of GEORGE BUCHAN-HEPBURN of Smeiton, Esq. Advocate, Judge of the High Court of Admiralty.

ATT Edinburgh the Xiiij Day of Maij the Zeir of God Mv. Threescoir Seven Zeirs. It is appointit, agreit, contractit, and finally accordit, betwixt the Richt Excellent, Richt Heich and Michtie Princeſſe Marie, be the Grace of God, Queen of Scottis, Douarrier of France, on the ane Part, and the Richt Noble and Potent Prince, James Duke of Orkney, Erle Bothuile, Lord Halis, Creichtoun, and Liddisdaill, Greit Admiral of this Realme of Scotland, on the other Part, in Maner, Forme, and Effect, as efter followis: That is to say, forasmeekeleas Her Majestie, considering with herself how Almightie God has not only placeit and constitute her Hienes to regnne owir this Realme, and dureing her Lifetime to governe the People and Inhabitants thereof, her native Subjects; bot als, that of her Royall Persoun Successioun myght be producit, to enjoy and possess this Kingdome, and Dominionis thereof, quhen God fall call her

Hienes, to his Mercy, out of this mortal Lyff, and how graciouſlie it has pleaſit him alreddy to reſpect her Heines, and this her Realme, in giving into her Ma^{tie}. of her maiſt deare and onlie Sone, the Prince, baith her Hienes ſelf and her haill Subjects ar detbund to rander vnto God immortal Prayſe and Thanks: And now, her Maieſtie being deſtitute of ane Huſband, levand ſolitary in the State of Wedoheid, and zit young and of flourishing Aige, apt and able to procreat and bring furth ma Children, hes bene preiſſit and humbly requirit to zeild vnto ſome Marriage: Quhilk Petitioun her Grace weying and taking in gude Part, bot cheiſly regarding the Prefervatioun and Contenance of her Poſteritie, hes condeſcendit yairto; and mature Deliberatioun being had, towert the Perſonage of him with quhome her Hienes ſuld joyne in Marriage, the maiſt Part of her Nobilitie, be way of Advife, hes humbly prayit her Ma^{tie}, and tho^t bettir that ſhe ſuld ſa fer humble hirſelf as to accept of ane of her awne born Subjectis in that State and Place, that wer accuſtomat with the Manneris, Lawis, and Conſuetude of yis Cuntrie, rather nor ony foreyn Prince; and her Ma^{tie} prefeirand thair Advyſe and Prayers, with the Weilfair of her Realme, to the Advancement and Promotioun, quhilk her Hienes in particular my^t. have be foreyn Marriage, hes in that poynt likuiſ inclynit to the State of her ſaid Nobilitie; and thay namand the ſaid Noble Prince, now Duke of Orknay, for the ſpecial Perſonage, her Maieſtie, weill aviſit, hes allowit thair Motioun and Nominatioun, and graciouſlie accordit thairvnto, having recent Memorie of the notable and worthie Actis and gude Service done and perſomit be him to her Maieſtie, als weill ſen her returning and arrival in this Realme, as of befoir in her Hienes Minoritie, and during the Government of umql. her deareſt Moder of gude Memorie, in the furthſetting of her Maieſtie's Auc^{te}. agains all Impugnoris and Gainſtanderis thereof; quhais Magnanimitie, Couraige, conſtant Trewth towert her Maieſtie, in Prefervationn of her aune Perſoun from mony evident and greit Dangeris, and in conducting

of hich and profitable Purposes, tending to her Hienes Avancement, and establishing of this Countrie to her Profitte, and universal Obedience, hes sa far movit her, and procurit her Favour and Affection, That abuisit the commoun and accustomat gude Grace and Benevolence quhilke Princes vsis to bestow on Noblemen, thair Subjects, weill deserveing, her Majestie will be content to resave and tak to her Husband the said Noble Prince, for Satisfacioun of the Heartis of her Nobilitie and People; and *to the effect* that her Majestie may be the mair able to govern and rewill her Realme in Tym to cum, durence her Lyfetye, and that Yssue and Successioun, at Goddis Pless', may be productit of her maist Noble Perfoun; quhilks being sa deir and tender to her said deirest Son after her Majestie's Deceis, may, befoir all vtheris, serve, ayd, and comfort him; *qubairfor* the said Excellent and Michtie Princeesse and Queene, and the said Noble and Potent Prince James Duke of Orknay, fall, God willing, solemnizat and compleit the Band of Matrimonie ather of theme with vther, in Face of Haly Kirk, with all guidlie Diligence. And als, her Majestie, in respect of the sam Matrimonie and of the Successioun, at God's plessir, to be procreat betwix them, and productit of her Body, fall, in her next Parliament, grant a Ratificatioun, with avise of her thre Estaits, whilk her Majestie sal obtene of the Infeftment maid be her to the said Noble Prince, than Erle of Boithuile, and his Airis Maill to be gotten of his Bodie; quhilks failzeing to her Hienes, and her Crown to return, of *all and baill*, the Erldome, Lands, and Isles of Orknay, and Lordship of Zetland, with the Holmis, Skeireis, Quylendis, Outbrekkis, Castles, Tours, Fortalices, Manor Places, Mills, Multures, Woddis, Cunninghares, Fishingis, alse well Watteris as Salt Havynnis, Portis, Raidis, Outlettis, Partis, Pendicles, Tenentis, Tennendries, Service of free Tenentis, Advocatioun, Donatioun, and Right of Patronage of Kirkis, Benefices, and Chappellanrys of the samyn, lying within the Sherriffdom of

Orknay and Fowdry of Zetland, *respective*, with the Toll and Customs within the said Boundis; togidder with the Offices of Sheriffship of Orknay and Fowdry of Zetland, and Office of Justiciarie within all the Boundis, als well of Orknay as Zetland, with all Privilegis, Feis, Liberteis, and Dewities perteining and belanging yerto, and all their Pertinentis, erectit in an haill and fre Dukry, to be callit the Dukry of Orknay forever; and, gif neid be, sal mak him new Infestment thairupon in competent and due Forme, quhilk her Majestie promottis *in verbo principis*; and in caisse, (as God forbid), thair beis na Airis male procreat betwix her Majestie and the said Prince, he oblifs his vtheris Airis maill, to be gotten of his Body, to renunce the having of Blanche Ferme contenit in the said Infestment, takand alwayes and reffavand new Infestment of the saidis Landis, Erldome, Lordship, His, Toll, Customis, and Officis aboue written, and all yr Pertinentis, erectit in an Dukry, as said is; quhilk Naim and Titill it fall alwayes retene, notwithstanding the Alteratioun of the having his saidis Airis Maill, to be gotten of his Body, payand zeirlie thairfoir to our said Soverane Ladie's Successours, or yr Comptrollars, in their Naim, the Soume of twa thousand Poundis Money of this Realme; lykeas the samyn was sett in the Time of the Kingis Grace, her Gracious Fader of maist worthie Memoris. Mairower, the said Noble and Potent Prince and Duke oblefs him, that he fall naways dispone nor put away ony of his Lands, Heretages, Possessionis, and Offices present, nor quhilks he fall happen to obtene and conquesse heirefter, dureing the Marriage, fra the Airis Maill to be gotten betwix him and her Majestie, bot yai to succed to the samen, als weill as to the said Dukry of Orknay. Furthermair, it is concludit and accordit be her Majestie, that all Signateurs, Lettres, and Wrytingis to be subscrivit be her Majestie in Time to cum, after the completing and solemnizatioun of the said Marriage, other of Giftis, Dispositiouns, Graces, Privileges or

utheris sic things quhatfomevir, sal be alsua subscrivit be the said Noble Prince and Duke, for his interesse, in Signe and Taken of his Consent and Assent thairto, as her Majestie's Husband; likeas it is alsua agreit and accordit be the said Noble Prince and Duke, that na Signateurs, Lettres, nor Writingis, ither of Gifts, Dispositiouns, Graces, Privilegis, or uthir sic Thingis, concerning the Affaires of the Realme, fall be subscrivet be him onlie, and without her Majestie's Avise and Subscription; and gif ony sic thing happen, the samyn to be of nane avail. And for observing, keping, and fullfilling of the Premisses and every Poynt and Article yrof, the said Noble and Michtie Princess, and the said Noble Prince and Duke, has bund and oblisit thame faithfullie to utheris, and are content, and consentis that this present Contract be actit and registrat in the Buiks of Counsell and Sessioun, *ad perpetuam rei memoriam*; and for acting and registering heirof in the samyn Buiks, her Majestie ordains her Advocattis, and the said Noble Duke hes maid and constitute Messrs. David Borthwick, Alexander Skeyne, thair prors.

conlie and seallie, *promittan. de rato*. In witness of the quhilk Thing, her Majestie and the said Noble Prince and Duke, hes subscrivit this present Contract with thair Handis, Day, Zeir, and Place forsaids, befor thir Witnesses, ane maist Reverend Fader in God Johnne Archbishop of Sanct. Andrews, Commendator of Paisley; and George Erle of Huntlie, Lord Gordon, and Baidzenat, Chancelar of Scotland, &c.; and David Erle of Crawford, Lord Lindsay; George Erle of Rothies, Lord Leslie; Alexander Bishop of Galloway, Commendator of Inchaffray; Johnne Bishop of Ross; Johnne Lord Flemyng; Johnne Lord Herreis; William Maitland of Lethingtoun, zounger, Secretar to our Soverane Lady; Sir Johnne Ballenden of Auchnoule, Knight, Justice Clerk; and Mr. Robert Crichton of Eliph, Advocate to her Hienes, with vyris divers.

MARIE R.

JAMES Duke of Orknay.

No. XIII.

*COPY of a LETTER from MARIE QUEEN of SCOTTIS to the
LAIRD of SMEITON dated 25th June 1568.*

RIGHT TRAIST FRIEND,

WE wryte to you laity anent our Proceedingis, than thanking you ay of your Constancy and Fidelity anent us and our Service, whilk ye fall not repent, with God's Grace, not douting but ye will continue therein, without fear other of our Enemies, or Tinsel of Goods. For to the ane we fall put order, God willing, belyve; and the other we fall refund and repeat ye, even to the last Penny.

The last Messenger departed frae us the 22d of this Instant, and gets his Anser frae the Queen * at his by-passing; gif she will not assist us, we fall have both Men and Mony of France. Incontinent we look also shortly for our Anser, because *Midlemore*, on quhose returning frae the *Erle of Murray* it was delayit, pass'd by here up throw the 23d of this Instant. We have in the mean Tyme gotten by Chance som Wrytings of our Enemies, quhilk discovers mony Things, especially how fundry of the Court of England and Counsel promis the *Erle of Murray* all Kyndness agains us; quhilk Wrytings, how sune the Queen sees (for we have sent them to the Lord Herries to that Effect) we ar assurit she will be offendit; yea, and able remove them frae farder meddling with our Affairs. Thus reserving our Service to your Faithfulness, we commit you to the Protection of God Almighty. At Carlisse, the 25th June 1568.

MARIE R.

To our Right Traist Friend the Laird of Smeiton.

* Queen Elizabeth of England.

No. XIV.

DIPLOMAS of the NOBILITY, taken from the RECORDS by a late DEPUTY KEEPER thereof, containing the Words of Limitation mentioned in the several PATENTS.

No. 1.

DUKE of ROTHESAY.

THERE is nothing upon Record which shews the original Creation of this Title; but Buchanan, in his History of Scotland, P. 325, Edit. 1690, says, That Robert the Third created his Son David *Duke of Rothefay*, in a full Assembly of the States, Anno 1398, when he was 18 years old.

The general Notion which has for some Time prevailed, that the eldest Son of the King of Scotland was *born* Duke of Rothefay, without any Ceremony or Creation, is not only confuted by Buchanan, but also from the following Excerpt, taken from a Manuscript written by Sir James Balfour, Lord Lyon King of Arms, in the Year 1627, and to be found in the Library of the Faculty of Advocates, which not only shews that a Creation was *absolutely necessary*, but gives Instances of the *Manner of doing thereof*, in the following valuable Excerpts, which throw more Light upon that Title than any Thing heretofore published.

David Stuart, eldest Sonne to Robert the Thrid of that Name King of Scotland, be Annabella hes Quene, ves, be hes Father, honoured vith the Tytill and Dignitie of *Duck of Rothefay*. He mar-

ried Margaret Douglas, onlie Dochter to Thomas Second Erll of Douglas, and Sister to Archibald Thrid Erll of Douglas, be quhome he hed no Ischue; for he being a very lecherous and evil disposed Zouth, ves, in his Father's Raing, at the Instigation of *Robert Duck of Albany*, his Unchell, imprisoned in the Castell of *Falkland* in *Fyffe*, quhar he did eat off his awen Fingers, throu extreame Famine, in Anno 1406, Anno vero Regis Roberti 3. 16th Zeir; and thereafter did ther dye, and ves buried at the Abey of *Dumfermelin*.

Alexander, Second Sonne to King James the First, ves, vithe all Solemnitey, at Striveling Castell, created *Duck of Rothefay*, the Day after his Christininge.

James, eldest Sonne to King James the Thrid, ves; be hes Father, the Day of his Christening, created *Duck of Rothefay*, *Erll of Carrick*, and *Lord of Cuninghame*, and *Grate Stuarde* of Scotland. He ves thereafter King of Scotland, after hes Father, be the Name of James the Fourth.

Ex Registro Cartarum Jac. 3. Carta Terrarum de Bettreis, per Resignationem Alexandri Stuart et Alifonæ Kennedie Sponsæ suæ, per Jacobum Regem Scotorum, tanquam Tutor et Gubernator charissimi Fillij sui primogeniti Jacobi, Ducis de Rothefay, Comitis de Carrick Dom. Cuninghame, et Senescalli Scotiæ, dicto Alexandro et Alifona Sponsa sua, quinque Mercatas Terrarum de Bettreis, antiqui Extentus, jacen. infra Baroniam de Renfrew, &c. This Confirmation is daitit att Edinbrughe 7. Maij, Anno 1477, et Regni Regis Jac. 3. Anno 18.

Alexander, secund Son to King James the Thrid, by Margaret his Queine, Dochter to Christian the 1. of that Name, King of Den-

mark, Sweden, and Norruay, ves, be hes Father James the 3. that same Day after he ves christened, creatit *Duck of Rothefay*.

Alexander, fourth Sonne to King James the Fourte, be Margaret his Queine, Dochter to Henrie the Seventh, King of England, ves, be his Father, James the 4th, one ye Day of hes Chriftening, creatit *Duck of Rothefay* and *Erll of Carrick*. He died at Strivelinge in the 6th Zeir of his Age, 15. Januarij in A°. Sal. 1516. Gubernante Duce Albaniz.

Henrie Frederick, eldest Sonne to King James the 6th, be *Anna* of *Denmark* hes Quene, borne at Strivilinge Castell 19. Februarij, in Anno 1594, ves, be hes Father, upone the Day of hes Chriftening, with all Solemnitie, first knighted; and being in the Armes of Lewis Duck of Lennox, ves created *Duck of Rothefay*, by putting on a Ducall Crowne upone hes Hed, without farder Ceremony, onlie the *Lyon K. of Armes* proclaimit his Tytell thus: *Right Excellent, Hight, and Magnanime Frederick Henrey, Henrey Frederick*, be the Grace of God, *Prince and Great Senefcall of Scotland, Duck of Rothefay, Erll of Carrick, Lord of the Lylles and Renfrew*.

Thus, it should seem from these Excerpts, that a *Creation* of a Duke of Rothefay was once necessary; and as it is perfectly certain that Sir James Balfour was alive in the Year 1594, and for thirty Years afterwards, surely he may be presumed to have had good Evidence of the Creation which took place that Year; and perhaps he was an Eye-Witness to the Ceremony; for he was appointed Lord Lyon not long thereafter.

No. 2.

TITLES OF QUEENSBERRY, &c.

Records in Chancery, B. 52. No. 103.

DIPLOMA GULIELMI Domini DOUGLAS de Hawick et Tibberis.

CAROLUS—Igitur nos fecimus præfatum Gulielmum Douglas de Drumlanrig, Dominum Douglas de Hawick et Tibberis, dand. et conceden. præfato Gulielmo, et Hæredibus suis masculis, cognomen et insignia de Douglas, gerentibus Titulum, Honorem, Ordinem, et Dignitatem, Domini et Baronis Parliamenti; *necnon*, investivimus præfatum Gulielmum Douglas, Hæredesque suos masculos prædictos, in eodem Titulo et Dignitate, Dominos Douglas de Hawick et Tibberis, omni Tempore futuro nuncupandos. Apud Whitehall, 1mo Aprilis 1628.

B. 52. No. 104.

DIPLOMA GULIELMI DOUGLAS, Vicecomitis de Drumlanrig.

CAROLUS—Igitur nos fecimus præfatum Gulielmum Douglas de Drumlanrig, *Vicecomitem* de Drumlanrig, *Dominum* Douglas de Hawick et Tibberis, dando et concedendo præfato Gulielmo, et Hæredibus suis masculis, Cognomen et Insignia de Douglas, gerentibus, Titulum, Honorem, Ordinem, et Dignitatem, Vicecomitis de Drumlanrig: *Necnon* investivimus præfatum Gulielmum Douglas de Drumlanrig, Hæredesque suos masculos prædictos, in eodem Titulo, Honore, et Dignitate, præfati Vicecomitis de Drumlanrig, Domini Douglas de Hawick et Tibberis, omni Tempore futuro nuncupandos. Apud Whitehall, 1mo Aprilis 1628.

Book 15. Fol. 130.

DIPLOMA GULIELMI COMITIS de QUEENSBERRY.

CAROLUS—fecimus prædilectum nostrum Consanguineum Gulielmum Vicecomitem de Drumlanrig, *Comitem* de Queensberry, *Vicecomitem* de Drumlanrig, *Dominum* Douglas de Hawick et Tibberis. Dand. et concedend. prout Tenore præsentium damus et concedimus, sibi, *suisque Hæredibus masculis*, Cognomen et Arma de Douglas geren. Titulum, Honorem, Ordinem et Dignitatis Gradum COMITIS. Apud Seyton, 13. Junij 1633.

Folio 62.

*DIPLOMA WILIELMI COMITIS de QUEENSBERRY Titulo
MARCHIONIS de QUEENSBERRY.*

CAROLUS—fecisse præfatum Wilielmum Comitem de Queensberry, *Marchionem* de Queensberry, *Comitem* de Drumlanrig et Sankhar, *Vicecomitem* Nith, Torthorwald, et Ros, *Dominum* Douglas de Kenmonth, Middlebie, et Dornock; et per presentes, damus et concedimus dicto Willielmo Comiti de Queensberry, *et Hæredibus suis masculis quibuscunque* omni tempore pro futuro, Titulum, Honorem, Gradum, Ordinem, et Dignitatem *Marchionis*, cum omnibus et singulis Prærogativis. Apud Whitehall 11. Februarij 1682.

Records in Chancery, Book 10. Folio 71.

*DIPLOMA GULIELMI MARCHIONIS de QUEENSBERRY de
Titulo DUCIS de QUEENSBERRY.*

CAROLUS—fecisse memoratum Gulielmum Marchionem de Queensberry, *Ducem* de Queensberry, Marchionem de Dumfriesshire, Comitem de Drumlanrig et Sanquhar, Vicecomitem de Nith, Tortherwald, et Ross, Dominum Douglas de Kinmonth, Middlebie, et Dornock, dando prædicto Gulielmo Marchioni de Queensberry, et Hæredibus masculis de suo Corpore, Titulum, Gradum, Ordinem, et Dignitatem Ducis augustissimam; cum hac omnimodo Provisione, sicuti tenore Præsentium per expressum providemus et declaramus, hujus nostri Diplomatis, concessionem et acceptationem prædicto Marchioni, nunc *Duci* de Queensberry, et Hæredibus masculis de suo Corpore, neutiquam derogare, aut præjudicare Diplomati per prius ipsi et Hæredibus suis masculis, quibuscunque, de Titulo et Dignitate *Marchionis* de Queensberry, concess. alijsque Titulis et Dignitatibus inibi expressis. Quos, deficientibus Hæredibus masculis ex suo Corpore, nequaquam præjudicare et innovari, hoc nostro Diplomato declaramus. Apud Whitehall, 3. Novembris 1684.

B. 15. Folio 105.

*DIPLOMA Domini GULIELMI DOUGLAS Filij Natu secundū de
mortui GULIELMI DUCIS de QUEENSBERRY, de Titulo et Dig-
nitate COMITIS de MARCH.*

GULIELMUS—Nominasse eund. Dominum Gulielmum Douglas, Comitem, Vicecomitem, et Liberi Parliamenti Dominum, *Comitem* de March, *Vicecomitem* de Peebles, et *Dominum* Douglas de Neidpath, Lyne, et Munardine, in dicto nostro Regno designand. et appelland. Damus pariter et conferrimus in dict. Dominum Gulielmum Douglas, et Hæredes masculos de ejus Corpore; quibus deficiend. ejus alios Hæredes masculos, et Talliæ contentos in ejus Infeofamentis, Terrarum et Dominij de Neidpath, antedict. Titulum. Apud Kensington, 20. Aprilis 1697.

Records in Chancery, B. 23. Anno 1706.

*DIPLOMA JACOBI DUCIS de QUEENSBERRY ejusque Hæredum
Talliæ de Titulo et Dignitate DUCIS de QUEENSBERRY.*

ANNA—Quandoquidem fidelissimus et dilectissimus noster consanguineus et conciliarius, Jacobus Dux de Queensberry, Marchio de Dumfries-shire, Comes de Dumlanrig et Sanquhar, Vicecomes de Nith, Torthorwald et Ross, Dominus Douglas de Kinmont, Middlebie et Dornock,—per se, ejusque legitimos Procuratores suo Nomine, in hunc Effectum specialiter constitut. Virtute Procuratoriæ Resignationis per ipsum subscript. de data 12. Junij Instantis predict. Titulus,

Honor, Gradus, Ordo, et Dignitas, Ducis de Queensberry, Marchionis de Dumfries-shire, Comitis de Drumlanrig et Sanquhar, Vicecomitis de Nith, Torthorwald, et Ross, et Domini Douglas de Kinmont, Middlebie, et Dornock, &c. cum omnibus et singulis Prærogativis eo spectant. in nostris Manibus debite et legitime resignata erat, in favorem, pro novo Diplomato ejusdem a nobis concedendo illi ipsi, ejusq. Hæredibus Talliæ hætenus nominat. et constitut. vel ab eo nominand. et constituend. illi in suo Prædio et Statu de Queensberry succedere, secundum Dispositiones et Talliæ, Jura sui Prædij et Status de Queensberry, hætenus fact. et concess. vel per antedictum Ducem de Queensberry faciend. et concedend. *Proviso omnimodo*, Quod dict. Hæredes Talliæ sũnt descendentes de Corpore Gulielmi Proavi antedict. Jacobi Ducis de Queensberry, et primi Comitis de Queensberry, creati, tenend. infra script. *Providendo et declarando* etiam, idem nullo modo præjudicium fore antedict. Duci, ejusq. predict. Hæredibus Talliæ, hætenus nominat. et constitut. vel ab eo nominand. et constituend. ; de quibus prioribus Precedentijs, Prærogativis, Præeminentijs, Immunitatibus, Libertatibus, Titulis, Honoribus, Gradibus, Ordinibus, et Dignitatibus, per prius a Nobis et Regijs nostris Decessoribus, antedicto Jacobi Duci de Queensberry, ejusque Prædecessoribus, quovis Modo concess. sicuti authentica Instrumenta in Manibus Notarij super dict. Resignatione suscept. in se latius proportant. *Noveritis igitur*, nos *de novo* fecisse eundem dictum Jacobum Ducem de Queensberry, ejusq. predict. Hæredes Talliæ, masculos vel fæmellas hætenus nominat. et constitut. vel per eum sibi in dict. suo Prædio et Statu de Queensberry succedere, nominand. et constituen. secundum dict. Dispositiones et Talliæ prædict. ejus Prædij et Status de Queensberry, hætenus facta et concessa, vel per dict. Ducem faciend. et conceden. *Proviso omnimodo* quod dict. Hæredes sint descendend. de Corpore dict. Gulielmi Proavi dicti Jacobi Ducis de Queensberry, et primi Comitis de Queensberry creati Duces vel Ducessas de Queensberry, Marchiones

vel Marchionissas de Dumfries-shire, Comites, vel Comitissas de Dumlanrig et Sanquhar, Vicecomites vel Vicecomitissas de Nith, Torthorwald, et Ross, Dominos vel Dominas Douglas de Kinmont, Middlebie, et Dornock, &c.; perque Præsentes, *dando et concedendo* illis, omni Tempore futuro, prædict. Titulos, Honores, Gradus, Ordines, et Dignitates, cum omnibus et singulis Prærogativis, Præeminentijs, Præcedentijs, Privilegijs, Libertatibus, et Immunitatibus quibuscunque spectan. et pertinen. vel quæ ad dict. Diplomatum illi, ejusque Prædecessoribus concess. pertinebunt. Apud Windsor Castle, 17. Junij 1706.

Records in Chancery, B. 23. Fol. 96.

DIPLOMA Domini CAROLI DOUGLAS, Filij legitimi natu secundi JACOBI DUCIS de QUEENSBERRY, de Titulo et Dignitate COMITIS de SOLLAWAY.

ANNA—Fecisse prædict. Dominum Carolum Douglas, Comitem de Sollaway, Vicecomitem de Tibberis, et Dominum Douglas de Lockerbie, Dalveen, et Thornhill; perque præsentis, damus et concedimus dicto Domino Carolo Douglas, et Hæredibus de suo Corpore; quibus deficientibus, Domino Georgio Douglas, Filio legitime natu tertio antedict. Jacobi Ducis de Queensberry, ejusque Hæredibus masculis de suo Corpore; quibus deficiend. Filio legitimo immediato juniore procreat. seu procreand. de Corpore dicti Jacobi Ducis de Queensberry, Dignitati et Statui de Queensberry, non succedend. et Hæredibus masculis de ejus Corpore omni Tempore futuro, Titulum, Honorem, Gradum, Ordinem, et Dignitatem *Comitis de Sollaway, Vicecomitis de Tibberis, et Domini Douglas de Lockerbie, Dalveen, et Thornhill.* Apud Windsor Castle 17mo Junij 1706.

No. 3.

MARCHMONT, &c.

Records in Chancery, B. 13. Fol. 42.

DIPLOMA Domini PATRICII HOME de POLWARTH, de Titulo DOMINI POLWARTH.

GULIELMUS et MARIA—Nominasse eundem Dominum Patricium Home, Liberum Parlamenti Dominum dicti hujus nostri Regni, *Dominum Polwart*, nuncupand. Damus, &c. dictum Patricium Dominum Home, et Hæredes masculos de Corpore suo legitime procreat. seu procreand. et Hæredes dict. suorum Hæredum, Titulum, Dignitatem, Gradum, et Honorem, Liberi Parlamenti Domini. Apud Kensington, 26to Decembris 1690.

Records in Chancery, B. 15. F. 105.

DIPLOMA PATRICII DOMINI POLWARTH, Cancellarij, de Titulo et Dignitate COMITIS de MARCHMONT.

GULIELMUS—Fecisse eundem Patricium Dominum Polwarth, *Comitem* de Marchmont, Vicecomitem de Blasonberrie, Dominum Polwarth de Polwarth, Reidbraes, et Greenlaw. *Damus* pariter et concedimus dict. *Patricio Domino* Polwarth, *ejusq. Hæredibus* masculis quibuscunque, omni tempore futuro, dict. Titulum, Honorem, et Dignitatem *Comitis*. Apud Kensington, 23tio Aprilis 1697.

No. 4.

Records in Chancery, B. 6. Fol. 88.

*DIPLOMA JOANNIS HAMILTON, de Titulo et Dignitate Domini
de BELHAVEN.*

CAROLUS—Sciatis, Quandoquidem nobis enotescit de mortuum nostrum carissimum Patrem per Literas suas Patentes, de Data 15 Decembris 1647, dedisse fideli et prædilecto nostro Confanquino, et Consilario, Joanni Domino de Balhaven, tunc designat. Domino Joanni Hamilton de Beill, Militi Baronetto, et Hæredibus masculis ex Corpore suo proprio, legitime procreat. seu procreand.; quibus deficientibus, *Hæredibus* suis masculis *quibuscunque*; Titulum Dignitatem, Locum, et Præminentiam Domini Parlamenti, infra hoc Regnum nostrum Scotiæ; ac Ordinasse eum, ejusque antedictos, omni Tempore tunc futuro, indigitan. *Dominum de Belhaven et Stentoun*, modo in dictis Literis Patentibus sub magno Sigillo dicti Regni debite expedit. fufius express. ; et nos in perpetuum habentes memoratum, Joannem Dominum de Belhaven, Hæredibus masculis ex Corpore suo proprio nunc viventibus destitutum esse; et per Contractum, et Jus Talliæ initum et confectum interdict. Dominum de Belhaven, cum Consensu Dominae Margaretæ Hamilton, Dominae de Belhaven, ejus Conjugis, et Robertum Hamilton, unum Clericorum nostri Consilii et Sessionis, nostrum Patruelem, Terras suas, Prædia, et Statum de Beill, in Joannem Hamilton Filium legitimum natu maximum dict. Roberti Hamilton, ejusque Hæredes Talliæ, in eisdem express.

collocass. Et cupientes, pro dicti Joannis Domini de Belhaven Incitamento erga nostrum Servitium, in posterum Uberiorum, Tesseram et Symolam Regalis nostri Favoris, in Joannem Dominum de Belhaven, ejusq. Familiam, in æternum collocare, conferendo in dictum Joannem Hamilton, ejusque Hæredes postea specificatos, et continend. ex Rogatu dicti Joannis Domini de Belhaven, antedictum Titulum, Stilum, Locum, Ordinem, Statum, et Dignitatem *Domini ac Belhaven*, quando contigerit. **IGITUR**, *ratificamus* priores Literas Patentes fact. et concess. memorato Joanni Domino de Belhaven duran. *omnibus suæ Vitæ Diebus*; et post ejus Deceßum, *facimus præfatum Joannem Hamilton, et Hæredes masculos ex ejus Corpore procreat. seu procreand.*; quibus deficientibus, *ejus proximos Hæredes masculos quoscunque*, Dominos de Belhaven et Stentoun; ac dedimus ei, et dictis suis Hæredibus masculis *quibuscunque* antedict. Titulum, Stilum, Honorem, Locum, Ordinem, Statum; et Dignitatem *Domini de Belhaven et Stentoun* Apud Whitehall 10. Februarij 1675.

No. 5.

Records of Privy Seal, B. 51. No. 145.

DIPLOMA ARCHIBALDI Domini NAPIER de MERCHIESTOUN.

CAROLUS. Igitur dedimus præfato Domino Archibaldo Napier, Militi, pro toto Tempore Vitæ suæ, et *Hæredibus suis masculis de Corpore suo*, vel eorum, legitime procreatis seu procreandis, Titulum, Stilum, Honorem, et Dignitatem *Domini et Baronis* in Parlamento Regni nostri Scotiæ, perpetuis omnibus Temporibus futuris, *Dominos Napier de Merchiestoun* nuncupandos vel intitulandos. Apud Whitehall, 4. Maij 1627.

Records in Chancery, B. 9. Fol. 38.

*DIPLOMA ARCHIBALDI Domini NAPIER de Titulo DOMINI
NAPIER de MERCHIESTOUN.*

CAROLUS.—Sciatis, Quandoquidem nos in Memoriam revocantes constantem et sinceram Amorem et Fidelitatem erga nos, nostrumque Patrem, per quond. Archibaldum Dominum Napier, et Archibaldum Dominum Napier ultime decessum, et Archibaldum Dominum Napier ejus Filium, toto Tempore nuperarum Comotionum et Tumultuum, magnosque Calamitates quas illi eo Tempore subiere; ac quod etiam per Honoris Diploma ab nostro Patre de data 4to Maij 1627 concessum; per quod dictus primo Dominus Napier creabatur *Dominus Napier* de Merchiestoun, prædict. Titulus et Dignitas fibi, suisque Hæredibus masculis successive solummodo, providetur; nos nihilominus, ob Causas prædictas firmiter determinati, pro Regia nostra Benignitate, et Respectu erga prædict. Familiam, prædict. Honorem, Titulum, et Dignitatem perpetuari, ut in et cum eadem remaneat in Persona prædicti Domini Napier, ejusq. *Hæredum Talliæ et provisionis*; quovis Hæredes masculi de suo Corpore deficerent, et ad hunc effectum, ejus Resignationem prædict. Tituli, in Favorem sui ipsius, ejusque Hæredum quorumcunque, recepimus; *Ideo*, nos ratificamus et confirmamus prædict. Diploma, prænominat. quond. Domino Napier, Avo prædict. Archibaldi, nunc Domini Napier concess. in omnibus Capitibus et Contentis ejusdem; sed etiam *de novo* absq. Derogatione prioris Juris, Dignitatis, Tituli, et Præcedentiæ, damus prædicto Archibaldo, nunc Domino Napier, ejusque Hæredibus masculis ex suo Corpore. *Quibus deficien.* Hæredi Femellæ natu maxime ex suo

Corpore, absque Divisione: *Quibus defciend.* Hæredibus ejus Talliæ et Provisionis, content. in Carta, et in Infeofamento Status et Terrarum de Napier, de data 7mo Februarij 1677, prædict. Honorem, Titulum, Dignitatem et Præcedentiam *Domini et Dominae* de Napier, respective, omni Tempore futuro. Apud Whitehall, 17mo Februarij 1677.

No. 6.

Records in Chancery, B. 58. No. 58.

DIPLOMA DAVIDIS DOMINI de NEWARK.

CAROLUS—Fecimus dictum legatum nostrum Generalem *Dav. Lesly*, et Hæredes masculos ex Corpore suo legitime procreat. *Domini* de *Newark* in Regno nostro Scotiæ. Apud Whitehall, ult. Augusti 1661.

There is extant a Manuscript of the Hand-writing of the late, and learned Antiquary Mr. George Crawford, respecting this Peerage, not to be found in his Works; and as this Dignity is called in Question at present, the Editor shall give the Note, for the Information of all concerned.

NEWARK.

In the 1661, Lieutenant-General David Lesly was raised to the Honour of Lord Newark, at the Restoration, to the Heirs Male of his Body; but the General leaving only one Son, in the 1677 he resigned the Dignity in the King's Hands, and got a new Patent

thereon, *changing* the Set of Heirs Male in the first Patent, and limiting the Dignity to the Heirs Male of the Body of David Master of Newark; and failing these, to Mrs. Jean Lesly, his eldest Daughter, who accordingly succeeded her Father in his Dignity, on his Demise, in the 1691; and she enjoyed the Dignity till her Death in 1739: That her Son David Master of Newark is now Heir to his Mother's Dignity, according to the Limitation of Heirs in the Patent, on the Surrender of his Great Grandfather, the Patentee.

No. 7.

Records in Chancery, B. 42. No. 189.

CARTA PATRICII LESLIE, Filij PATRICII COMMENDATARIJ de LINDORES.

JACOBUS—Dedisse dilecto nostro Patricio Leslie, Filio dicti Patricij, Hæredibusque suis masculis quibuscunque; eorumque assignatis hæreditarie, totam et integram Maneriam de *Lindores*; insuper, nos *anneximus* præfatam Maneriam in unum integrum et liberum temperale Dominium et Baroniam præfato Patricio Leslie, Hæredibusque suis masculis et Assignatis prædictis nunc nuncupandum, et in futurum nuncupaturum Dominium et Baroniam de Lindores: Dando et Concedendo dicto Patricio Leslie, suisque præscriptis, *Titulum, Honorem, Ordinem*, et *Statum liberi Baronis* et Domini nostri Parliamenti, vocandi et intitulandi *Dominos* de Lindores, in perpetuum, Ratione Terrarum et Dominij supra script. Votum et Suffragium in omnibus nostris Parliamentis, Tenend. memorato Patricio Leslie, Hæredibusque suis masculis Successoribus prædictis, de nobis. Apud Burgum nostrum de Perth, ultimo Martij 1600.

No. 8.

Records in Chancery, Book 54. No. 142.

DIPLOMA GEORGII COMITIS de DUMBAR.

CAROLUS—creasse dictum Georgium Home Dominum de Berwick, et Hæredes suos masculos, Comites de Dumbar. Apud Windsor, 3. Julij. 1605.

No. 9.

Book 54. No. 181.

DIPLOMA JOANNIS COMITIS de LOUDOUN.

CAROLUS, &c.—Fecimus præfatum confisum nostrum Consanguineum Joannem Dominum Loudon, Comitem de Loudon, Dominum de Ferrinyean et Machline; ac dedimus sibi, suisque Hæredibus masculis in perpetuum, Cognomen et Arma de Campbell, gerend. Titulum, Honorem, Ordinem, et Gradum Dignitatis *Comitis*. Apud Theobaldis, 12. Majj 1633.

Nota. In Anno 1706 Hugh Earl of Loudoun granted a Procuratory for resigning the Honours and Dignity of Earl of Loudoun, &c. in his Majesty's Hands, for a new Patent in Favours of himself and the Heirs whatsoever of John first Earl of Loudoun; and accordingly a Charter, containing a *Novodamus*, proceeding upon a Signature under the King's signed Manuel, was expedite under the Great Seal 7th Februarij 1707.

No. 10.

Records in Chancery, F. 87.

DIPLOMA HENRICI SINCLAIR, de Titulo et Dignitate Do-
MINI SINCLAIR.

CAROLUS, &c. Idcirco nos, ex nostra certa Scientia et proprio Motu, creamus dilectum nostrum Henricum Sinclair, Nepotem memorati Joannis Domini Sinclair, utpote Filium legitimum Natu maximum Magistræ Katharinæ Sinclair, unicæ Filiæ dicti de mortui Joannis Domini Sinclair, procreat. inter eam et quondam Joannem Sinclair Feoditarius de Kirkmistoun, ejus maritum, et Hæredes masculos ex Corpore dicti Henrici; Quibus deficientibus, Joannem Sinclair, ejus Fratrem Germanum, et Hæredes masculos ex ejus Corpore; Quibus deficient. Robertum Sinclair, Fratrem Germanum dicti de Mortui Joannis Sinclair de Herdenston, ac Hæredes masculos ex ejus Corpore; Quibus deficient. Georgium Sinclair, ejus alium Fratrem Germanum, ac Hæredes masculos ex ejus Corpore; Quibus deficient. Matthæum Sinclair, ejus alium Fratrem, ac Hæredes masculos ex ejus Corpore; Quibus deficient. proximos legitimos Hæredes masculos dicti Henrici Sinclair, Dominum Sinclair. Apud Whitehall, 1. Junij 1677.

U

No. 11.

OCHILTREE, *vide* Page 17. and 18.

From the Records of Parliament, Book 10. Folio 76.

In Parlamento tento apud Edinburgh 15to Martij, Anno Domini 1542.

THE quhilk Day my Lord Governour, with Avise and Consent of the thre Estaitis of Parliament, hes create, maid, and ordainit ane Nobill and Mighty Man *Andro*, some Tyme *Lord Avendale*, Baroun, and Barounrent, and Lord of our Soveraine Ladie's Parliament; and to be called, he and his Suceffouris, in Tyme to cum, *Lord Steuart of Ochilree*, and to haif Vote and Place in the Parliament, as vyeris Lordis of the Realme aught and sould haif in the samyn, haifand all Honours and Dignitys effeirand yрто.

Nota. On the 31st of August 1534, it should seem that *Andro*, then *Lord Avendale* excambed his Land Estate, consisting of the Castle, Fortalice and Barony of *Avendale*, with Sir James Hamilton of Fennart, for his Castle and Barony of *Ochilree*; but this Exchange divested neither of the Parties of their Honours. *Vide* Book of Charters, B. 25. No. 153 and 220.

PROTESTATION taken in PARLIAMENT, by Sir JAMES STEWART EARL of ARRAN, some time Chancellor of Scotland, in Anno 1585, anent the DESCENT of the House of OCHILTREE from the ROYAL FAMILY.

JAMES Earl of Arran, &c. protests for himself, and in Name of his Father's House of Ochiltree, that neither the Duck of Lennox's Grace, nor nae other, has Right to carrie the Crown, or be nearest to the King's Person at ony Meetings of Parliament, Conventions of Estates, &c. before the said Earl's Father's House, in regard of the *Nearness* and *Proximity* of *Bluid* they stand in to his Highness, since it is well known to sundry here present, quho are ready to attest the samyn, that the Lord *Ochiltree*, the said *Earl's Father*, is lawfully cum of the Royal Bluid, as lyneally descending frae Father to Son of the House of *Evandale*, quhaes first Progenitor, not long synseyne, was Son to Duck *Murdacke*, begotten in lawful Bed, quha was Son to Duck *Robert Duck* of *Albany*, wha was Uncle, Tutor, and Governor, a long Tyme, to Umquhile King James the First, his Nepot. And thairupon the said Earll askit, and toke Instruments in due and competent Forme. Apud Lithgow, in Anno 1585.

Nota. This Earl of Arran was formerly designed Sir James Stuart of Bothwellmuir. He was a great Favourite of King James the Sixth, in his younger Years, and raised to the Dignity of the Peerage, by Letters Patent, dated at Holyruidhous 28. October 1581, by the Stile and Tytil of *Earl of Arran*, Lord *Avan* and *Hamilton*, to him and the Heirs Male of his Body; whom failing, to return to the Crown. Privy Seal Records, B. 35. N. 454.

Andrew third Lord Stuart of Ochiltree, it was observed on P. 18, about the beginning of the 17th Century, had his estate ruined and dilapidate. It was adjudged from him by one of the name of *Gib*, according to a Manuscript Account of the House of Ochiltree in the Custody of the Publisher.

From the Public Record it appears, that this Lord resigned his Honours, &c. in the Hands of the Crown; whereupon a Charter and Patent, under the Great Seal, was expedite in Favour of Sir James Stuart of Killeth, of the Lordship and Barony of Ochiltree, &c. cum omnibus Honoribus, Titulis, Dignitatibus, &c. ad idem Dominium spectand. The Limitation of the Dignity is, by this Charter, to the Heirs Male whatsoever of the Patentee.—Books of Charters, B. 50. No. 48. 9th June 1615.

Mr. Crawford and Sir Robert Douglas say, that this Sir James Stuart of Killeth was the Grandson of the Earl of Arran, and Uncle to Andrew Lord Ochiltree, who was, in the 1619, made an Irish Peer, by the Stile and Dignity of Lord Castlestewart. Printed Case of L. Castlestewart.

No. 12.

CAITHNESS. *Vide* P. 9, 21, 27, 91.

Records in Chancery, B. 7. F. 89.

DIPLOMA JOANNIS CAMPBELL de GLENURCHIE, de Titulo et Dignitate COMITIS CATHANIÆ.

CAROLUS—Sciatis, nos, considerantes de mortuum Georgium Comitem Cathaniæ, &c. deficient. Hæredibus masculis ex ejus Corpore, Titulum, Honorem, et Dignatem *Comitis Cathaniæ* collocatum iri post Obitum ejus, in dilectum nostrum *Joannem Campbell de Glenurchie*, ex eo quod illi suscepit, et satisfecisset, et solvisset Creditoribus dicti Comitis, non exigua Debita et diversas Monetæ Summas per eum eas debitas acquisivisset, eorum Jura universa *Status Cathaniæ*; quæ postea ratificata fuerunt per dictum Comitem, qui similiter ei disposuit universum suum Statuum; et in Memoriam revocantes Antiquitatem et Honorem Familiæ de *Glenurchie*: Igitur nos fecimus memoratum *Joannem Campbell de Glenurchie*, et *Hæredes masculos* ex ejus Corpore, vel in Optione dicti Joannis Campbell, quemcunque ex ejus Filijs junioribus quem sibi placuerit quocunque Tempore deinceps, vel etiam in Articulo Mortis, nominare et designare, Scripto sub ejus Manu, succedere sibi in dicto Comitatu Cathaniæ, Titulo, Honore, et Dignitate antedicto, ejusq. Hæredes masculos; *Quibus deficient.* dicti Joannes Campbell proximos legitimos Hæredes masculos quoscunque, *Comites Cathaniæ, Vicecomites de Braidalbane, Dominos de Sancto Claro*, de Berriedale et Glenurchie, ita vocantur et desig-

nantur omni Tempore deinceps; proviso omnimodo, sicuti Tenore præsentium specialiter declaratur, quod memoratus *Joannes Campbell*, ac Hæredes masculi ex ejus Corpore procreati seu procreandi, vel aliter in Optione ejus, quicumque ex ejus Filijs junioribus quem ille nominabit et designabit, ut dictum est, Scripto sub ejus Manu, succedere sibi in dicto Comitatu Cathaniæ, Titulo, Honore, et Dignitate antedict. ejusque Hæredes masculi; *Quibus deficien.* dicti Joannis Campbell Hæredes masculi quicumque astringentur, tenebantur, et obligabantur, assumere Cognomen de *Sinclair*, et gerere Insignia *Domus* et *Familiæ* de Caithness, tanquam eorum principali Paludamentum, ac inibi inferere arma *Familiæ* de Glenurchie. Apud Whitehall, 28vo Junij 1677.

RECORDS OF PARLIAMENT, 17th Sept. 1681.

ANENT a Petition presented to the King's Majestie and Estates of Parliament, be George Earl of Caithness, representing that the late Earl of Caithness, having been Debtor to Sir Robert Sinclair in a considerable Soume of Money, he, for Security thereof, did wadset to him his Lands and Estate of Caithness; and the said Earl being thereafter straitened be Sir Robert, and the then Laird of Glenurchie (now Earle of Breadalbain), having paid to Sir Robert the Soume due to him, he did acquire a Right to the said Wadset, and obtained a Disposition frae the Earle, under Reversion of the Soume paid by him to Sir Robert; and the said Earl having died shortly thereafter, and the said Earl of Breadalbain, by his Marriage with the Countess Dowager of Caithness, and certain other Means and Methods, having got into his Hands the Charter Chift of the said Earl, in which the

saïd Reversion was, he did, within a little Time thereafter, sell and wadsett as much of the saïd Estate as did yield to him the Soume paid to Sir Robert Sinclair; and that he might the better maintain and secure himself in the Possession of this Estate, to which he had only a redeemable Right, he, upon gross and false Representations, did obtaine from his Majestie the Title of Honour of the saïd Family, to the Enjoyment whereof the Petitioner, by the Justice of his sacred Majestie, *is now restored, &c.*

Thus it is evident, that this Dignitie reverted to the Family of the *Sinclairs*, late Earls of Caithness.

It appears also, from the Records of Parliament 1685, that both the Earls of Breadalbine and Caithness sat in a Parliament holdin at Edinburgh 23d April that Year.

No. XV.

*ROLL of the PEERS of SCOTLAND, that was daily called over
in the last PARLIAMENT of SCOTLAND, in Anno 1706, com-
monly called the UNION ROLL,*

DUKES.

Hamilton	5 Queensberry	Athole
Buccleugh	Argyle	Montrose
Lennox	Douglas	10 Roxburgh
Gordon		

MARQUISES.

Tweeddale	Lothian	3 Annandale
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EARLS.

Crauford	Monteith	Eglinton
Errol	Roths	Caffillis
Marischall *	Mortoun	Cathness
Sutherland	Buchan	Murray
5 Marr *	10 Glencairn	15 Nithsdale

Winton *	Wemyss	Breadalbine
Linlithgow *	Dalhousie	Aberdeen
Hume	Airlie *	Dunmore
Perth *	Finlater	Melville
20 Wigtown	40 Carnwath *	60 Orkney
Strathmore	Callander *	Ruglen
Abercorn	Levin	March
Kellie	Dysert	Marchmont
Haddingtown	Panmure *	Seafeld
25 Galloway	45 Selkirk	65 Hyndford
Lauderdale	Northesk	Cromarty †
Seaforth *	Kincardine	Stair
Kinnoul	Balcarras	Roseberry
Loudoun	Forfar	Glasgow
30 Dumfries	50 Aboyne	70 Portmore
Stirling	Neuburgh	Bute
Elgin	Kilmarnock *	Hopeton
Southesk *	Dundonald	Deloraine
Traquair	Dumbarton	74 Ilay
35 Ancrum	55 Kintore	

VISCOUNTS.

Falkland	Oxford	Strathallan †
Dunbar	Irvine	Teviot
Stormont	Kilsyth	15 Duplin
Kenmore *	10 Dumblain	Garnock
5 Arbuthnot	Prestoun	17 Primrose
Kingston *	Newhaven	

L O R D S		
Forbes	Blantyre	Banff
Saltoun	Cardrose	35 Elibank
Gray	20 Cranston	Halkertoun
Ochiltree	Burleigh *	Belhaven
5 Cathcart	Jedburgh	Abercrombie
Sinclair *	Maddertie	Duffus *
Mordington	Couper	40 Rollo
Sempill	25 Napier	Colvil
Elphinstone	Cameron	Ruthven
10 Oliphant	Crammond	Rutherford
Frazer of Lovat †	Reay	Ballenden
Borthwick	Forrester	45 Newark
Ross	30 Pittligo †	Nairn *
Torphichen	Kircudbright	Aymouth
15 Spynie	Frazer	Kinnaird
Lindores	Bargeny	49 Glasford
Balmerinoch †		

Note. Those marked thus * were attainted for their Accession to the Rebellion 1715. The others marked †, for their Concern in the Rebellion 1745.

Memorand. In January 1708, a Copy of the Roll of the Peers of Scotland, as it stood on 1st May 1707, was by the Lord Clerk Register for the Time being, transmitted to the House of Lords, agreeable to their Order of 22d December 1707. It is exactly the same with the above, with the Addition of the Title of Earl of Solway, who was created in 1706, *vide* Page 145, and is placed immediately before the Earl of Illy. The House of Lords ordered this last Roll to be entered into the Roll of Peers, with this *Salvo*, "That where-
 " as there are several Protefts entered on the Records of Parliament
 " of that Part of Great Britain called Scotland, in Relation to the
 " Precedency of the Peers, the said Protefts shall be, and are of the
 " same Force, with Relation to their Claims of Precedency, as if they
 " had been entered on the Roll of Peers, or in the Journals of the
 " House of Lords." The 22d and 23d Articles of the Union fix and ascertain the Privileges of the Peers of Scotland for ever thereafter.

I N D E X

*To the CREATIONS of the PEERS, PRODUCTIONS made by them, and
to the GRAND DECERNITURE in the DECREEY of RANKING, in
Anno 1606.*

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